

13.05.2022

Serial no. 46

[Dd]

(Bail **allowed**)

CRM (NDPS) 467 of 2022

In re : An Application for **Bail** under Section **439** of the Code of Criminal Procedure in connection with **Hili** Police Station Case No. **133** of **2021** dated **01.07.2021** under Sections **21(c) / 22(c) / 23(c)/27A** of the Narcotic Drugs and Psychotropic Substances Act (Corresponding to Special Case No. **52 of 2021**)

-And-

In the matter of : Nepal Dutta

... .. Petitioner

*Mr. Kaushik Chaudhury,
Ms. Busra Khatun, Advocate*

... .. For the Petitioner

*Mr. Sudip Ghosh,
Mr. Apurba Kr. Datta, Advocates*

... ...For the State

Considering the fact that State does not dispute the claim for parity with regard to the other co-accused enlarged on bail on December 7, 2021 in CRM 7945 of 2021 and considering the fact that police filed charge sheet and considering the fact that no narcotic was recovered from the possession of the petitioner and considering the fact that police are unable to establish any nexus between the petitioner and the co-accused arrested with the commercial quantity of narcotic at this stage, we are of the view that the petitioner is able to overcome the restriction under Section 37 of the NDPS Act, 1985.

Consequently, we are inclined to grant bail to the petitioner.

Accordingly, we direct that the petitioner shall be released on bail upon furnishing a bond of Rs. 10,000/- (Rupees Ten Thousand only), with two sureties of like

amount each, one of whom must be local, to the satisfaction of the **Learned Judge, Special Court under NDPS Act, Dakshin Dinajpur at Balurghat** subject to condition that the petitioner shall appear before the learned trial court on every date of hearing until further orders and shall not intimidate witnesses and/or tamper with evidence in any manner whatsoever.

In the event, the petitioner fails to appear before the trial court without any justifiable cause, the trial court shall be at liberty to cancel the bail of the petitioner in accordance with law without further reference to this Court.

The prayer for bail of the petitioner is **allowed**.

CRM (NDPS) 467 of 2022 is **disposed of**.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)