

13.06.2022.
01.
Ct.No.28.
as
(Allowed)

C.R.M. (NDPS) 473 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with NDPS Case No.143 of 2021 arising out of Kaliachak P. S. Case No.1419 of 2021 dated 20.12.2021 under Sections 21(C)/29 of the N.D.P.S. Act and Section 27A of the Drugs and Cosmetic Act.

In the matter of : Muktar Hossain @ Saheb.
.... Petitioner.

Mr. Amitabha Karmakar,
Mr. Arup Kr. Bhowmick.
...for the Petitioner.

Mr. Saibal Bapuli, Id. A.P.P.,
Mr. Bibaswan Bhattacharyy.
...for the State.

Heard the learned Counsels appearing on behalf of the parties.

Report is placed on record.

Having considered the materials on record including the aforesaid report, we note apart from statements of co-accused before police officer, there is no other material to show petitioner was dealing in narcotic substance above commercial quantity.

In view of the aforesaid fact, we are of the opinion that the petitioner has been able to rebut the statutory restrictions under Section 37 of the N. D. P. S. Act and he may be granted bail.

Accordingly, the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Special Judge under N.D.P.S. Act, Malda subject to condition that the petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses 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 his bail in accordance with law without further reference to this Court.

This application for bail is, thus, disposed of.

(Ananya Bandyopadhyay,J.)

(Joymalya Bagchi, J.)