

14.06.2022.
03.
Ct.No.28.
as
(Allowed)

C.R.M. (NDPS) 483 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with NDPS Case No.52 of 2022 arising out of Bhagwangola P. S. Case No.88 of 2022 dated 11.02.2022 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 : Korim Sk. @ Karim Sk.

.... Petitioner.

Mr. Ali Ahsan Alamgir,
Ms. Riya Das,
Ms. Rabia Khatoon.

...for the Petitioner.

Mr. Sanjoy Bardhan,
Mr. Palash Chandra Majhi.

...for the State.

Heard the learned Counsels appearing on behalf of the parties. Report is placed on record which shows petitioner has criminal antecedents.

Learned Advocate for the petitioner submits that his client is on bail in the earlier cases.

Having considered the materials on record including the report submitted on behalf of the State, we note no narcotic substance was recovered from the possession of the petitioner and his complicity has transpired from the statement of co-accused before a police officer which is inadmissible in evidence.

In view of the aforesaid facts and extent of complicity of the petitioner in the alleged crime, 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 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 Judge, Special Court under N.D.P.S. Act, Murshidabad at Berhampore 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.)