

06.06.2022.
08.
Ct.No.28.
as
(Allowed)

C.R.M. (NDPS) 494 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Gangarampur P. S. Case No.406 of 2020 dated 19.11.2020 under Sections 21(c)/22 (c)/23(c)/27A/28/29 of the N.D.P.S. Act.

In the matter of : Alimuddin Mia @ Sarkar.

.... Petitioner.

Mr. Kaushik Choudhury,
Ms. Busra Khatoon.

...for the Petitioner.

Mr. Ranabir Ray Chowdhury,
Mr. Mainak Gupta.

...for the State.

Heard the learned Counsels appearing on behalf of the parties.

Petitioner is in custody for 61 days. It is submitted that no narcotic substance was recovered from his possession.

Learned Advocate appearing for the State opposes the prayer for bail and produces the Case Diary.

We have considered the materials on record. No narcotic substance was recovered from the possession of the petitioner. Complicity of the petitioner has transpired from the statement of a co-accused before a police officer which is inadmissible in evidence.

Under such circumstances, 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 in view of the period of detention suffered by the petitioner, 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, Balurghat, Dakshin Dinajpur 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.

The application, being **C.R.M. (NDPS) 494 of 2022**, is disposed of.

(Ananya Bandyopadhyay,J.)

(Joymalya Bagchi, J.)