

06.06.2022.
13.
Ct.No.28.
as
(Allowed)

C.R.M. (NDPS) 501 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Special Case No.52 of 2020 arising out of Hili P. S. Case No.89 of 2020 dated 10.08.2020 under Sections 21(c)/22 (c)/23(c)/27A of the N.D.P.S. Act and charge sheet submitted under Sections 21(C)/22(C)/23(C)/27A of the NDPS Act.

In the matter of : Bikash Mahato @ Vikash Mahato @
Bikash Mahata.

.... Petitioner.

Mr. Kaushik Choudhury,
Ms. Busra Khatoon.

...for the Petitioner.

Mr. Tapan Deb Nandy,
Mr. Antarikhya Basu.

...for the State.

Heard the learned Counsels appearing on behalf of the parties.

Petitioner is in custody for 51 days. It is submitted that no recovery was made from the possession of the petitioner.

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.

In view of the 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 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) 501 of 2022**, is disposed of.

(Ananya Bandyopadhyay,J.)

(Joymalya Bagchi, J.)