

06.06.2022.
14.
Ct.No.28.
as
(Allowed)

C.R.M. (NDPS) 502 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Special Case No.86 of 2021 arising out of Hili P. S. Case No.220 of 2021 dated 26.09.2021 under Sections 20(b)(ii)(c)/21(c)/22(c)/23(c)/27A of the N.D.P.S. Act.

In the matter of : Jugal Halder @ Jiban Halder.
.... Petitioner.

Mr. Kaushik Choudhury,
Ms. Busra Khatoon.
...for the Petitioner.

Mr. Saswatagopal Mukherjee, Id. P.P.,
Mr. Saryati Datta.
...for the State.

Heard the learned Counsels appearing on behalf of the parties.

Petitioner is in custody for 81 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.

Keeping in mind the aforesaid facts, 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) 502 of 2022**, is disposed of.

(Ananya Bandyopadhyay,J.)

(Joymalya Bagchi, J.)