

08.06.2022.
14.
Ct.No.28.
as
(Allowed)

C.R.M. (NDPS) 530 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with NDPS Case No.86 of 2022 arising out of Jalangi P. S. Case No.106 of 2022 dated 06.04.2022 under Sections 20(b)(ii)(B)/29 of the N.D.P.S. Act.

In the matter of : Ainul Bari.

.... Petitioner.

Mr. Tapodip Gupta.

...for the Petitioner.

Mr. Binoy Panda,
Ms. Debjani Sahu.

...for the State.

Heard the learned Counsels appearing on behalf of the parties.

We have considered the materials on record. Statements of witnesses show recovery of 12 kgs. of ganja from the possession of the petitioner which is below commercial quantity.

In view of the facts and circumstances of the case and the period of detention suffered by the petitioner i.e. 63 days, 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 is entitled to be released on 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, Berhampore, Murshidabad 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.)