

14.06.2022.
14.
Ct.No.28.
as
(Allowed)

C.R.M. (NDPS) 610 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with TR (NDPS) Case No.07 of 2022 arising out of Panskura P. S. Case No.182 of 2022 dated 12.03.2022 under Sections 22(c) of the N.D.P.S. Act.

In the matter of : Alok Das.

.... Petitioner.

Mr. Amal Krishna Samanta.

...for the Petitioner.

Mr. Madhusudan Sur, Id. A.P.P.,
Mr. Dipankar Paramanick.

...for the State.

Heard the learned Counsels appearing on behalf of the parties.

Petitioner is in custody for about 79 days. He contends no narcotic substance is recovered from his possession.

Learned Advocate for the State opposes the prayer for bail.

Keeping in mind the extent of complicity of the petitioner in the alleged crime which has transpired from the statement of co-accused before a police officer which is inadmissible in evidence and as no narcotic substance was recovered from his possession, 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 Judge, Special Court under N.D.P.S. Act, Tamluk, Purba Medinipur 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.)