

14.06.2022.
15.
Ct.No.28.
as
(Allowed)

C.R.M. (NDPS) 612 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with NDPS Case No.79 of 2022 arising out of Lalgola P. S. Case No.98 of 2022 dated 27.03.2022 under Sections 21(c)/29 of the N.D.P.S. Act read with Sections 13/14 of the Foreigners Act.

In the matter of : Asadul Hoque @ Kalu.

.... Petitioner.

Mr. Ali Ahsan Alamgir,
Ms. Riya Das,
Ms. Rabia Khatoun.

...for the Petitioner.

Mr. Sudip Ghosh,
Mr. Shekhar Barman.

...for the State.

Heard the learned Counsels appearing on behalf of the parties.

Having considered the materials on record and bearing in mind the submission made on behalf of the petitioner that no narcotic substance was recovered from his possession and as his complicity has transpired from the statement of co-accused before a police officer which is inadmissible in evidence, 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, Murshidabad at Berhampore 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.)