

14.06.2022.
18.
Ct.No.28.
as
(Allowed)

C.R.M. (NDPS) 619 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Special Case No.46 of 2021 arising out of Bharatpur P. S. Case No.69 of 2021 dated 10.03.2021 under Sections 21(c)/29 of the N.D.P.S. Act.

In the matter of : Sahajjahan Sk.

.... Petitioner.

Mr. Manas Kr. Das.

...for the Petitioner.

Mr. Ranabir Ray Chowdhury,
Mr. Mainak Gupta.

...for the State.

Heard the learned Counsels appearing on behalf of the parties.

Having considered the materials on record and in view of the fact 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 and in view of the period of detention suffered by the petitioner i.e. 190 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 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, 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.)