

15.06.2022

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Allowed

C.R.M. (NDPS) 649 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Hili Police Station Case No. 73 of 2022 dated 26.03.2022 under Sections 21(C)/22(C)/23(C)/27A of the NDPS Act.

And

In Re : Rockey Mohanta @ Raki Mahanta petitioner

Ms. Busra Khatun

.....for the petitioner

Mr. Neguive Ahmed, learned APP

....for the State

Learned Counsel appearing for the petitioner submits that no narcotic substance has been recovered from the possession of the petitioner.

Learned Counsel appearing for the State opposes the prayer for bail.

Having considered the materials on record and keeping in mind the extent of complicity of the petitioner in the alleged crime and as no narcotic substance has been recovered from his possession and his complicity has transpired from the statement of the co-accused before police officer which is inadmissible in evidence, we are of the opinion that petitioner has been able to rebut the statutory presumption under Section 37 of the NDPS Act and in view of the period of detention suffered by the petitioner, we are inclined to grant bail to the petitioner.

Accordingly we direct that 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 NDPS 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 the witnesses and/or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to appear before the trial court without 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 for bail is, accordingly, allowed.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)