

29.06.2022  
tkm/ct 28  
sl no. 22

**C.R.M. (NDPS) 710 of 2022**

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Lalgola P.S case no. 830 of 2021 dated 24.12.2021 under sections 21(c)/29 of the NDPS Act  
And

**Allowed**

In Re : Atikur Rahaman ..... petitioner

Mr. T Gupta

..... for the petitioner

Mr. S Bapuli

Mr. Arani Bhattacharya

..... for the State

Petitioner is in custody for 58 days. It is contended co-accuseds have been granted anticipatory bail.

Learned lawyer for the State opposes the prayer for bail.

Having considered materials on record and bearing in mind the extent of complicity of the petitioner in the alleged crime in the light of the submission no narcotic substance was recovered from the possession of the petitioner and as his complicity has transpired from the statement of co-accused before police officer which is inadmissible in evidence, we are of the opinion petitioner has been able to rebut statutory restrictions under section 37 of the NDPS Act.

Under such circumstances and as co-accused have been granted pre-arrest bail, we are inclined to grant bail to the petitioner also.

Accordingly, the petitioner 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, Berhampore, Murshidabad

on condition that the petitioner shall appear before the trial court on every date of hearing and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event he fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this court.

The application being CRM (NDPS) 710 of 2022 is disposed of.

**(Ananya Bandyopadhyay, J.)**

**(Joymalya Bagchi, J.)**