

04.07.2022
Sl. No.5
akd
[ALLOWED]

C. R. M. (NDPS) 729 of 2022

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 27.06.2022 in connection with Hogalberia Police Station Case No. 44 of 2020 dated 24.03.2020 under Sections 20(b)(ii)(c)/29 of the NDPS Act. (NDPS Case No.28 of 2020)

And

In Re: **Dr. Babu Sarkar (Quack Doctor) @ Babar Sarkar @ Babu Sarkar**
... .. Petitioner

Mrs. Sonali Das

... .. for the petitioner

Mr. Swapan Banerjee
Mr. Anindya Sundar Chatterjee
Mr. Kunal Ganguly

... .. for the State

It is submitted on behalf of the petitioner that no narcotic substance was recovered from his possession. It is further submitted investigation is complete.

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

We have considered the materials on record. We find that no narcotic substance was recovered from the possession of the petitioner and his complicity has transpired from the statement of co-accused before a police officer which is inadmissible in evidence. Under such circumstances, we are of the opinion that the petitioner has been able to rebut the statutory restrictions under Section 37 of the NDPS Act. In view of the aforesaid fact and as investigation is complete, we are of the opinion further detention of the accused/petitioner is not necessary.

Therefore, the accused/petitioner, namely **Dr. Babu Sarkar (Quack Doctor) @ Babar Sarkar @ Babu Sarkar**, be released on bail upon furnishing bond of Rs.10,000/- (Rupees Ten thousand only), with

two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Judge, Special Court under the NDPS Act, 1985, Krishnagar, Nadia subject to condition that the said 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 or commit similar offences in future.

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 for bail, thus, stands **allowed**.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)