

08.07.2022
cm/ct 28
sl no. 7

C.R.M. (NDPS) 755 of 2022

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Bhimpur P.S. Case No. 203 of 2022 dated 31.05.2022 under Sections 20(b)(ii)(c)/29 of the NDPS Act.

Allowed

In Re : Ashim Halder

..... petitioner

Mr. Bitasok Banerjee
Mr. Amanul Islum
Mr. Sourav Mukherjee

..... for the petitioner

Mr. Suman De
Mr. Pravas Bhattacharyya

..... for the State

Petitioner is in custody for about a month. It is contended that no narcotic substance was recovered from his possession. He has been falsely implicated in the instant case.

Learned lawyer for the State opposes the prayer for bail. He submits petitioner was dealing in narcotic substance which is above commercial quantity and investigation is in progress.

We have considered the materials on record. No narcotic substance was recovered from his possession and his complicity in the alleged offence has transpired from the statement of co-accused before police officer which is inadmissible in evidence. No incriminating evidence was collected during police custody of the petitioner.

In view of the aforesaid facts and extent of complicity of the petitioner in the alleged crime, we are of the opinion that petitioner has been able to rebut the statutory restrictions under section 37 of the NDPS Act and he may be granted bail.

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, Krishnagar, Nadia 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) No. 755 of 2022 is disposed of.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)