

14.07.2022.
06.
Ct.No.28.
as
(Allowed)

C.R.M. (NDPS) 777 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Special Case No.81 of 2020 arising out of Hili P. S. Case No.140 of 2020 dated 04.11.2020 under Sections 20(b)(ii)(c) of the N.D.P.S. Act.

In the matter of : Ajoy Sarkar @ Ajay Sarkar.
.... Petitioner.

Mr. Kaushik Choudhury,
Ms. Busra Khatoon.
...for the Petitioner.

Mr. Sanjoy Bardhan,
Ms. Debjani Dasgupta.
...for the State.

Heard the learned Counsels appearing on behalf of the parties.

Petitioner is in custody for 38 days. It is submitted no narcotic substance was recovered from his possession. Co-accused persons have been granted anticipatory bail.

Learned Advocate appearing for the State opposes the prayer for bail. He submits petitioner and the other accused persons were dealing in narcotic substance above commercial quantity.

We have considered the materials on record. No narcotic substance was recovered from the possession of the petitioner. His complicity has transpired from the statement of co-accuseds 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 N. D. P. S. Act and in view of the period of detention suffered by him, 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 Special Judge under N.D.P.S. 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 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.)