

14.07.2022.
09.
Ct.No.28.
as
(Allowed)

C.R.M. (NDPS) 781 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with NDPS Case No.250 of 2021 arising out of Ranitala P. S. Case No.423 of 2021 dated 11.11.2021 under Sections 21(c)/29 of the N.D.P.S. Act.

In the matter of : Saju Sk. @ Sajirul Sk. & Anr.

.... Petitioners.

Mr. A. A. Alammgir,
Ms. Riya Das,
Ms. Rabia Khatoon.

...for the Petitioners.

Mr. Sudip Ghosh,
Mr. Bitasok Banerjee.

...for the State.

Heard the learned Counsels appearing on behalf of the parties.

Petitioners are in custody for 240 days. It is submitted no narcotic substance was recovered from their possession.

Learned Advocate appearing for the State opposes the prayer for bail. He submits petitioners and co-accuseds 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 petitioners. Their 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 petitioners have 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 the petitioners, they 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 Judge, Special Court under N.D.P.S. Act, Murshidbad at Berhampore subject to condition that they 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 petitioners fail to appear before the Trial Court without any justifiable cause, the trial Court shall be at liberty to cancel their 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.)