

22.07.2022
cm/ct 28
sl no. 7

C.R.M. (NDPS) No. 811 of 2022

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with **Hili P.S Case No. 43 of 2021** dated **14.03.2021** under Sections **20 (b)(ii)(B)(C)** of the Narcotic Drugs and Psychotropic Substances Act.

And

Allowed

In Re : Abbas Ali Sheikh @ Abbas Ali Sekh

..... petitioner

Ms. Busra Khatoon

..... for the petitioner

Mr. Binay Panda

Ms. Puspita Saha

..... for the State

Heard learned lawyers for the parties.

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

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, Dakshin Dinajpur 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 petitioner 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. 811 of 2022 is disposed of.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)