

22.07.2022.
13.
Ct.No.28.
as
(Allowed)

C.R.M. (NDPS) 817 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Balurghat P. S. Case No.228 of 2019 dated 08.04.2019 under Sections 21(c)/22(c)/23(c)/27A/28/29 of the N.D.P.S. Act read with Section 27A of the Drugs and Cosmetic Act and charge sheet submitted under Sections 21(c)/22(c)/23(c)/27A/28/29 of the N.D.P.S. Act.

In the matter of : Bhakat Das @ Bhakta Das.
.... Petitioner.

Ms. Jeenia Rudra.
...for the Petitioner.

Mr. Sanjoy Bardhan,
Ms. Baishakhi Chatterjee.
...for the State.

Heard the learned Counsels appearing on behalf of the parties.

Petitioner is in custody for about 34 days. It is submitted no narcotic substance was recovered from his possession. Co-accused similarly circumstanced with the petitioner has been granted bail.

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

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 as co-accused similarly circumstanced with the petitioner has been granted bail, we are inclined to extend the same privilege to the petitioner also.

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, 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.)