

21.09.2022
Sl. No.3
akd
[ALLOWED]

C. R. M. (NDPS) 822 of 2022

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 19.07.2022 in connection with Jalangi Police Station Case No.177 of 2022 dated 26.06.2022 under Sections 21(c)/29 of the NDPS Act. (NDPS Case No.132 of 2022)

And

In Re: ***Khokan Karikar***

... .. Petitioner

Mr. Jisan Iqbal Hossain

... .. for the petitioner

Mr. T. D. Nandy
Mr. Antarikhya Basu

... .. for the State

It is submitted on behalf of the petitioner that no narcotic substance was recovered from his possession.

Report is placed on record. From the report it appears investigation of tower location of the mobile phones of co-accuseds viz. Namajul Sk. & Rohitulla Mondal @ Rabkul reveal they had visited the village of the petitioner on 02.05.2022 and 04.05.2022.

We have considered the materials on record. Incident occurred on 25.05.2022. Statements implicating the petitioner are general in nature and do not relate to the transaction in process. Mere presence of co-accuseds in the village of the petitioner would not lead to an inference that they met each other. There is nothing on record to show there was telephonic conversation between them. Keeping in mind the aforesaid circumstances, we are of the opinion that the petitioner has been able to rebut the statutory restrictions under Section 37 of the NDPS Act and may be granted bail.

Therefore, the accused/petitioner, namely ***Khokan Karikar***, be released on bail upon furnishing bond of Rs.10,000/- (Rupees Ten

thousand only), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Judge, Special Court under the NDPS Act, Berhampore, Murshidabad subject to condition that the said 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 or commit similar offences in future.

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 for bail, thus, stands **allowed**.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)