

29.07.2022.
08.
Ct.No.28.
as
(Allowed)

C.R.M. (NDPS) 853 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with NDPS Case No.54 of 2022 arising out of Kaliachak P. S. Case No.365 of 2022 dated 10.04.2022 under Sections 22(C)/27A/29 of the N.D.P.S. Act.

In the matter of : Samsuddin Mia.

.... Petitioner.

Mr. Abhra Mukherjee,
Mr. Sudip Banerjee,
Mr. Sanjoy Kr. Das,
Mr. Sauradeep Dutta.

...for the Petitioner.

Mr. Ranadeb Sengupta.

...for the State.

Heard the learned Counsels appearing on behalf of the parties.

Petitioner is in custody for 60 days. It is submitted no narcotic substance was recovered from his possession.

Learned Advocate appearing for the State opposes the prayer for bail and submits on the statement of co-accused Arjun Roy from whom 1000 yaba tablets was recovered, complicity of the petitioner has transpired in the case. Investigation is in progress.

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-accused before a police officer which is inadmissible in evidence. No

incriminating material has also transpired in course of custodial interrogation.

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 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 Judge, Special Court under N.D.P.S. Act, Malda 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.)