

08.08.2022
Sl. No.5
akd
[ALLOWED]

C. R. M. (NDPS) 896 of 2022

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 02.08.2022 in connection with Suti Police Station Case No. 238 of 2021 dated 30.06.2021 under Sections 21(c)/29 of the NDPS Act. (NDPS Case No.127 of 2021)

And

In Re: ***Alauddin Sk. @ Dara Singh***

... .. Petitioner

Mr. Arnab Chatterjee
Mr. Anisur Rahaman
Ms. Dhanasree Biswas

... .. for the petitioner

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

Nobody appears on behalf of the State.

We have considered the materials on record. We find that no narcotic substance was recovered from the possession of the petitioner and his 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 petitioner has been able to rebut the statutory restrictions under Section 37 of the NDPS Act. In view of the aforesaid fact, we are of the opinion further detention of the accused/petitioner is not necessary.

Therefore, the accused/petitioner, namely ***Alauddin Sk. @ Dara Singh***, 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, 1985, 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**.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)