

16.08.2022
cm/ct 28
sl no. 6

C.R.M. (NDPS) No. 922 of 2022

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with English Bazar Police Station Case No. 782 of 2022 dated 20.05.2022 under Sections **21 (c)/29** of the Narcotic Drugs and Psychotropic Substances Act read with **27(A)** of the Drugs and Cosmetics Act.

And

Allowed

In Re : Nakir Sk.

..... petitioner

Mr. Rana Mukherjee
Ms. Sudeshna Das

..... for the petitioner

Mr. Saibal Bapuli, Ld. A.P.P.
Mr. Bibaswan Bhattacharyya.

..... for the State

Petitioner is in custody for 54 days. It is contended no narcotic substance was recovered from his possession.

Learned lawyer for the State submits petitioner was driving the motor cycle which was used to transport narcotic substance above commercial quantity.

We have considered the materials on record. No narcotic substance was recovered from his possession. His complicity has transpired from the statement of co-accused i.e. Kamal Momin. During custodial interrogation no other incriminating material has transpired against the petitioner. Motor cycle has not been seized till date. Hence, we are of the opinion petitioner has been able to rebut the statutory restrictions under Section 37 of the NDPS Act and he may be granted bail.

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, Malda 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. 922 of 2022 is disposed of.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)