

17.08.2022  
Sl. No.5  
**akd**  
[ALLOWED]

**C. R. M. (NDPS) 930 of 2022**

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 11.08.2022 in connection with Gangarampur Police Station Case No. 261 of 2021 dated 16.07.2021 under Sections 21(c)/22(c)/23(c)/27A/28/29 of the NDPS Act.

And

In Re: ***Kuddus Ali @ Kuddus Mia***

... .. Petitioner

Mr. Bitasok Banerjee

... .. for the petitioner

Mr. Sanjay Bardhan  
Mr. Palash Ch. Majhi

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about 48 days. It is further submitted no narcotic substance was recovered from his possession.

Learned advocate appearing for the State opposes the prayer for bail and submits local witnesses have implicated the petitioner in the crime.

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. After ten days, statements of local witnesses were recorded which, in our estimation, are hearsay in nature. In view of the nature of evidence collected against the petitioner, we are of the opinion he has been able to rebut the statutory restrictions under Section 37 of the NDPS Act and may be enlarged on bail.

Therefore, the accused/petitioner, namely ***Kuddus Ali @ Kuddus Mia***, 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, Balurghat, Dakshin Dinajpur 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.)**