

22.08.2022.
06.
Ct.No.28.
as
(Allowed)

C.R.M. (NDPS) 938 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with NDPS Case No.62 of 2022 arising out of Sagarpara P. S. Case No.38 of 2022 dated 23.02.2022 under Sections 21(c)/29 of the N.D.P.S. Act.

In the matter of : Miraj Hossain @ Mirajul Sk.

.... Petitioner.

Ms. Shabana Hasin,
Mr. Mobaidur Hossain.

...for the Petitioner.

Mr. S. S. Imam,
Mr. R. Jana.

...for the State.

Heard the learned Counsels appearing on behalf of the parties.

Petitioner is in custody for 113 days. No narcotic substance was recovered from his possession. Co-accused viz., Sajibar Rahaman @ Sajibul Sk. similarly circumstanced with the petitioner has been granted pre-arrest bail.

Learned Advocate appearing for the State opposes the prayer for bail.

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 N. D. P. S. Act and in view of the period of detention suffered by the petitioner, 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, Murshidbad at Berhampore subject to condition that he 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.)