

22.08.2022.
11.
Ct.No.28.
as
(Allowed)

C.R.M. (NDPS) 943 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with NDPS Case No.04 of 2021 arising out of Kaliachak P. S. Case No.1439 of 2021 dated 27.12.2021 under Sections 21(c)/29 of the N.D.P.S. Act and Sections 27(A) of Drugs and Cosmetics Act.

In the matter of : Faruk Sk.

.... Petitioner.

Mr. Samrat Kr. Das,
Mr. Sujan Chatterjee.

...for the Petitioner.

Mr. Swapan Banerjee,
Mr. Anindya Sundar Chatterjee.

...for the State.

Heard the learned Counsels appearing on behalf of the parties.

Petitioner is in custody for 57 days. No narcotic substance was recovered from his possession. Co-accuseds similarly circumstanced with the petitioner have been granted bail/anticipatory 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, Malda 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.)