

22.08.2022.
12.
Ct.No.28.
as
(Allowed)

C.R.M. (NDPS) 944 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Special Case No.48 of 2021 arising out of Hili P. S. Case No.126 of 2021 dated 27.06.2021 under Sections 21(c)/22(c)/23(c)/27A of the N.D.P.S. Act.

In the matter of : Titu Roy.

.... Petitioner.

Mr. Kaushik Chaudhury,
Ms. Busra Khatoon.

...for the Petitioner.

Mr. Saibal Bapuli, Id. A.P.P.,
Mr. Bibaswan Bhattacharya.

...for the State.

Heard the learned Counsels appearing on behalf of the parties.

Petitioner is in custody for 36 days. No narcotic substance was recovered from his possession. It is contended co-accused viz., Jjayanti Roy similarly circumstanced with the petitioner has been granted bail/anticipatory bail.

Learned Advocate appearing for the State opposes the prayer for bail. He submits local witnesses implicated the petitioner in dealing in narcotic substance.

We have considered the materials on record. We find that no narcotic substance was recovered from the possession of the petitioner. Statements of local witnesses are general in nature and do not pertain to the transaction in question. Co-accused viz., Jayanti Roy has been enlarged on bail.

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 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, Dakshin Dinajpur at Balurghat 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.)