

01.09.2022
Sl. No.1
akd
[ALLOWED]

C. R. M. (NDPS) 945 of 2022

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 12.08.2022 in connection with Gazole Police Station Case No.67 of 2022 dated 23.01.2022 under Sections 22(c)/23(c)/27A/29 of the NDPS Act. (NDPS Case No.18 of 2022)

And

In Re: **Anarul Sk. @ Annarul**

... .. Petitioner

Mr. Amitabha Karmakar
Mr. Arup Kumar Bhowmick

... .. for the petitioner

Mr. Debabrata Chatterjee .. Id. Addl. Public Prosecutor
Mr. Santanu Chatterjee

... .. for the State

Affidavit is placed on record. The explanation as well as apology of the deponent viz. Sunny Ghising is accepted.

It is submitted on behalf of the petitioner that he is in custody for about 32 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 petitioner has criminal antecedents.

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 NDPS Act. In view of the aforesaid fact and the period detention suffered by the petitioner, we are of the opinion further detention of the

accused/petitioner is not necessary and he may be enlarged on bail however, subject to strict conditions.

Therefore, the accused/petitioner, namely **Anarul Sk. @ Annarul**, 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 Additional District Judge, 4th Court, Special Court under the NDPS Act, 1985, Malda 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 and on further condition that the petitioner, while on bail, shall not leave the jurisdiction of Kaliachak Police Station except for the purpose of investigation and/or for attending court proceedings and shall report to the Officer-in-charge of the said police station once in a week until further orders.

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**.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)