

29.08.2022
cm/ct 28
sl no. 9

C.R.M. (NDPS) No. 976 of 2022

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with English Bazar Police Station Case No. 1556 of 2021 dated 10.11.2021 under Section **21(c)/ 27A/29** of the Narcotic Drugs and Psychotropic Substances Act.

And

Allowed

In Re : Jayanta Das @ Jin

..... petitioner

Mr. Arup Kumar Bhowmick

..... for the petitioner

Mr. Sudip Ghosh

Mr. Apurba Kumar Datta

..... for the State

Petitioner is in custody for about a month. He submits no narcotic substance was recovered from his possession. He has been falsely implicated in the instant case.

Learned lawyer for the State opposes the prayer for bail. He submits petitioner was a proclaimed offender.

We have considered the materials on record. No narcotic substance was recovered from the possession of the petitioner. His complicity has transpired from the statement of co-accused before a police officer which is inadmissible in evidence. Hence, we are of the opinion that petitioner has been able to rebut the statutory restrictions under Section 37 of the NDPS Act and he may be granted bail, however, subject to strict conditions.

Accordingly, the petitioner 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 NDPS Act, Malda on condition that the

petitioner shall appear before the trial court on every date of hearing and shall not intimidate witnesses or tamper with evidence in any manner whatsoever and petitioner while on bail shall remain within the jurisdiction of English Bazar police station except for the purpose of attending court proceedings and shall report to the Officer-in-Charge of English Bazar police station once in a week until further orders.

In the event petitioner 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 being CRM(NDPS) No. 976 of 2022 is disposed of.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)