

29.08.2022
cm/ct 28
sl no. 11

C.R.M. (NDPS) No. 982 of 2022

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Domkal Police Station Case No. 721 of 2021 dated 28.11.2021 under Section **21(c)/ 29** of the Narcotic Drugs and Psychotropic Substances Act.

And

Allowed

In Re : Abbas Sk @ Abbas Ali Sk.

..... petitioner

Mr. M. Chatterjee
Md. Golam Nure Imrohi

..... for the petitioner

Mr. Sudip Ghosh
Mr. Apurba Kumar Datta

..... for the State

Petitioner is in custody for 44 days. He submits no narcotic substance was recovered from his possession. He prays for bail.

Learned lawyer for the State opposes the prayer for bail.

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.

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, Berhampore, Murshidabad 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.

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. 982 of 2022 is disposed of.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)