

27.01.2022

101

Ct. No. 29

KAUSHIK

Allowed

C.R.M. 8615 of 2021

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Balurghat** Police Station Case No. **529** of **2021** dated **26.09.2021** under Sections 21(C)/22(C)/23(C)/27A/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

And

In Re : Sankar Ghosh

..... petitioner

Mr. Debabrata Acharyya

.....for the petitioner

Mr. Sanjoy Bardhan

Mr. Palash Chandra Majhi

....for the State

Petition is taken up for consideration pursuant to the order dated December 23, 2021.

A report was called for by the order dated December 23, 2021 as to further progress of investigation and whether there exist any nexus between the co-accused and the petitioner.

Report submitted in Court be taken on record.

The report does not prima facie establish any nexus between the petitioner and the co-accused. The petitioner is being proceeded against on the basis of the statement of the co-accused in custody. No narcotics was recovered from the possession of the petitioner. Consequently, we are of the view that the petitioner is able to rebut the presumption under the provisions of Section 37 of the NDPS Act, 1985. Consequently, we grant bail to the petitioner.

Accordingly, we direct that 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 Special Judge under NDPS Act and Additional District & Sessions Judge, 3rd Court, Dakshin Dinajpur at Balurghat**, subject to the condition that the petitioner shall meet the Investigating Officer once a fortnight till the conclusion of the investigation and that the petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

The application for bail is, accordingly, allowed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)