

06.09.2022
Sl. No.5
akd
[ALLOWED]

C. R. M. (NDPS) 1009 of 2022

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 30.08.2022 in connection with Hili Police Station Case No. 276 of 2021 dated 03.12.2021 under Sections 17/18/27A of the Drugs and Cosmetics Act, 1940 and charge sheet no.133 of 2022 dated 28.06.2022 under Sections 23(c)/27A of the NDPS Act.

And

In Re: **Aminur Ali Dewan**

... .. Petitioner

Mr. Kaushik Chaudhury.
Ms. Busra Khatoon

... .. for the petitioner

Mr. Saryati Datta

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about 27 days. It is further submitted no narcotic substance was recovered from his possession. Co-accused viz. Gita Devi Dai has been enlarged on bail.

Learned advocate appearing for the State opposes the prayer for bail.

We have considered the materials on record. We find that no narcotic substance was recovered from the possession of the petitioner. Statements of local people alleging implication of the petitioner appear to be hearsay in nature. Co-accused viz. Gita Devi Dai 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 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.

Therefore, the accused/petitioner, namely **Aminur Ali Dewan**, 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 Judge, Special Court under the NDPS Act, 1985-cum-Additional District Judge, 3rd Court, Balurghat, Dakshin Dinajpur 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.

In the event he fails to appear before the trial court without any 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.)