

09.09.2022
Sl. No.8
akd
[ALLOWED]

C. R. M. (NDPS) 1030 of 2022

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 05.09.2022 in connection with Berhampore Police Station Case No. 805 of 2021 dated 02.08.2021 under Sections 22(c)/29 of the NDPS Act. (NDPS Case No.160 of 2021)

And

In Re: ***Biswajit Hazra @ Dinesh Hazra***

... .. Petitioner

Ms. Shabana Hasin

... .. for the petitioner

Mr. Ranadeb Sengupta

... .. for the State

Petitioner is a person with special needs. It is submitted on behalf of the petitioner no narcotic substance was recovered from his possession.

Learned advocate appearing for the State opposes the prayer for bail and submits on the leading statement of co-accused, complicity of the petitioner revealed.

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, we are of the opinion further detention of the accused/petitioner is not necessary.

Therefore, the accused/petitioner, namely ***Biswajit Hazra @ Dinesh Hazra***, 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, 5th Court, Berhampore, Murshidabad 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.)