

21.09.2022
Sl. No.11
akd
[ALLOWED]

C. R. M. (NDPS) 1068 of 2022

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 13.09.2022 in connection with Kumarganj Police Station Case No. 160 of 2019 dated 16.08.2019 under Sections 21(c)/22(c)/23(c)/27A of the NDPS Act.

And

In Re: ***Babu @ Bablu Choudhury***

... .. Petitioner

Ms. Jeenia Rudra

... .. for the petitioner

Mr. Sudip Ghosh

Mr. Apurba Kumar Datta

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about 79 days. It is further submitted no narcotic substance was recovered from his possession. Co-accuseds have 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 and his complicity has transpired from the statement of co-accused before a police officer which is inadmissible in evidence. Co-accuseds have 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 ***Babu @ Bablu Choudhury***, 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.)