

27.09.2022

14
sdas
Allowed

C.R.M. (NDPS) No. 1098 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Andal GRPS Police Station Case No. 04 of 2022 dated 08.02.2022 under Sections 21(c)/29 of the NDPS Act.

And

In Re : Subrata Ghosh petitioner

Mr. Soumya Basu Roy Chowdhuri
.....for the petitioner

Mr. Ranadeb Sengupta
.....for the State

Learned Counsel appearing for the petitioner submits he is in custody for 200 days. It is also submitted that no narcotic substance was recovered from his possession.

Learned Counsel appearing for the State opposes prayer for bail and submits the petitioner has criminal antecedents.

We have considered materials on record. No narcotic substance was recovered from the possession of the petitioner. His complicity has transpired from the statements of co-accuseds before police officer which are inadmissible in evidence.

Under such circumstances, we are of the opinion that petitioner has been able to rebut the statutory presumption under Section 37 of the NDPS Act and he may be granted bail, however, subject to strict conditions.

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 Judge, Special Court under NDPS Act, Paschim Bardhaman, subject to condition 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 and on further conditions that while on bail petitioner shall remain with the jurisdiction of Asansol Police Station and shall provide the address where he shall presently reside to the investigating agency and court below and shall report to the officer-in-charge of the concerned police station within whose jurisdiction he shall presently reside.

In the event the petitioner fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

The application for bail is, accordingly, allowed.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)