

26.09.2022.
18.
as
(Allowed)

C.R.M. (NDPS) 1091 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Kaliachak P. S. Case No.709 of 2020 dated 16.09.2020 under Sections 21(C)/29 of the NDPS Act.

In the matter of : Abu @ Abu Tahir.

.... Petitioner.

Mr. Amitabha Karmakar,
Mr. Arup Kr. Bhowmick.

...for the Petitioner.

Mr. Sanjoy Bardhan,
Mr. Palash Chandra Majhi.

...for the State.

Petitioner is in custody for 51 days. He submits no narcotic substance was recovered from his possession. He prays for bail.

Learned Advocate for the State opposes the prayer for bail.

We have considered the materials on record. 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 N. D. P. S. Act and in view of the period of detention suffered by the petitioner, he may be released on bail.

Accordingly, 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 the NDPS Act, Malda subject to condition that he 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.

In the event the petitioner fails to appear before the Trial Court without any 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, thus, disposed of.

(Ajay Kumar Gupta,J.)

(Joymalya Bagchi, J.)