

29.09.2022.
19.
Ct.No.28.
as
(Allowed)

C.R.M. (NDPS) 1141 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with NDPS Case No.120 of 2021 arising out of English Bazar P. S. Case No.1556 of 2021 dated 10.11.2021 under Sections 21(C)/29/27A of the NDPS Act.

In the matter of : Mr. Dipankar Sarkar.

.... Petitioner.

Mr. D. Bhattacharjee,
Ms. S. Saha.

...for the Petitioner.

Mr. S. Bardhan,
Mr. P. Ch. Majhi.

...for the State.

Petitioner is in custody for 74 days. He submits no narcotic substance was recovered from his possession. Co-accused is 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-accused is 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 N. D. P. S. Act and he may be granted 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 N.D.P.S. 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.

This application for bail is, thus, disposed of.

(Ajay Kumar Gupta,J.)

(Joymalya Bagchi, J.)