

28.09.2022.
09. SL
Ct.No.28.
as
(Allowed)

C.R.M. (NDPS) 1113 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with N. Case No.60 of 2021 arising out of Belghoria P. S. Case No.526 of 2021 dated 07.08.2021 under Sections 20(b)(ii)/29 of the N.D.P.S. Act.

In the matter of : Ashoke Dhali.

.... Petitioner.

Mr. Debasis Kar.

...for the Petitioner.

Mr. Ranadeb Sengupta.

...for the State.

Petitioner is in custody for over a year. He submits no narcotic substance was recovered from his possession. He prays for bail.

Learned Advocate appearing for the State opposes the prayer for bail. He submits petitioner has criminal antecedents.

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 N. D. P. S. Act and he may be granted bail subject to strict conditions.

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, Barrackpore 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 and on further condition petitioner while on bail shall remain within the jurisdiction of New Barrackpore Police Station except for the purposes of investigation and/or attending court proceeding and report to the Officer-in-charge of New Barrackpore Police Station once in a week until further orders.

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.)