

29.09.2022.
21.
Ct.No.28.
as
(Allowed)

C.R.M. (NDPS) 1143 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Special Case No.16 of 2019 arising out of Balurghat P. S. Case No.192 of 20192 dated 26.03.2019 under Sections 21(c)/22(c)/23(c)/25/27A/28/29 of the NDPS Act.

In the matter of : Abhijit Ghosh @ Abhisek.

.... Petitioner.

Mr. P. Ch. Majhi.

...for the Petitioner.

Mr. Saibal Bapuli, Id. A.P.P.,
Mr. A. Bhattacharyya.

...for the State.

It is contended no narcotic substance was recovered from his possession. Co-accuseds similarly circumstanced with the petitioner are on pre-arrest 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 similarly circumstanced with the petitioner have been granted anticipatory 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, Dakshin Dinajpur at Balurghat 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.)