

30.09.2022

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Allowed

C.R.M. (NDPS) No. 1163 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Chandipur Police Station Case No. 226 dated 22.06.2022 under Sections 20(b)(ii)(c)/29 of the NDPS Act.

And

In Re : Sanjib Singh petitioner

Mr. Ayan Basu
Mr. Sourav Bera
Mr. Sumit Routh

.....for the petitioner

Mr. Swapan Banerjee
Mr. Suman De

.....for the State

Learned Counsel appearing for the petitioner submits he is in custody for 97 days. No narcotic substance was recovered from his possession.

Learned Counsel appearing for the State opposes prayer for bail and submits investigation is in progress.

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.

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, Purba Medinipur, Tamluk 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.

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.)