

03.11.2022
Sl. No.11
akd
[ALLOWED]

C. R. M. (NDPS) 1184 of 2022

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 27.09.2022 in connection with Dadpur Police Station Case No. 195 of 2019 dated 05.12.2019 under Sections 20(c)/29 of the NDPS Act. (NDPS Case No.50 of 2019)

And

In Re: ***Lalhi Sk. @ Golem Mostafe @ Laltu Sk. @ Golam Mustafa @ Laltu Sk. @ Golam Mostafa***

... .. Petitioner

Mr. Rohit Prasad

... .. for the petitioner

Mr. Swapan Banerjee

Mr. Suman De

... .. for the State

Report is placed on record. It appears from the report vehicle used to transport narcotic substance did not have a registration mark. Ownership of the vehicle could not be traced out on the strength of the engine number only.

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 NDPS Act and he may be enlarged on bail.

Therefore, the accused/petitioner, namely ***Lalhi Sk. @ Golem Mostafe @ Laltu Sk. @ Golam Mustafa @ Laltu Sk. @ Golam Mostafa***, be released on bail upon furnishing bond of Rs.10,000/- (Rupees Ten thousand only), 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-cum-Additional Sessions Judge, Hooghly

subject to condition that the said petitioner 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 or commit similar offences in future.

In the event he fails to appear before the trial court without any justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this court.

The application for bail, thus, stands **allowed**.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)