

13.10.2022
Sourav
Suvayan
/ct 28
sl no. 15

C.R.M.(NDPS) No. 1200 of 2022

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Swarupnagar Police Station Case No. 911 of 2022 dated 13.09.2022 under Sections **21 (c)** of the Narcotic Drugs and Psychotropic Substances Act.

And

Allowed

In Re : Saibuddin Gazi

..... petitioner

Mr. A. H. Molla
Mr. Tamal Singh Roy

..... for the petitioner

Mr. Sanjoy Bardhan
Mr. Palash Ch. Majhi.

..... for the State

Learned advocate for the petitioner submits no narcotic substance was recovered from the possession of the petitioner.

Learned lawyer for the State opposes the prayer for bail.

We have considered the materials on record. No narcotic substance was recovered from the possession of the petitioner. His complicity has transpired from the statement of co-accused before a police officer which is inadmissible in evidence. Hence, we are of the opinion that petitioner has been able to rebut the statutory restrictions under Section 37 of the NDPS Act and he may be granted bail.

Accordingly, the petitioner 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, Barasat, North 24 Parganas

on condition that the petitioner shall appear before the trial court on every date of hearing and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

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

The application being CRM (NDPS) No. 1200 of 2022 is disposed of.

(Supratim Bhattacharya, J.)

(Joymalya Bagchi, J.)