

13.10.2022
Sourav
Suvayan
/ct 28
sl no. 16

C.R.M.(NDPS) No. 1202 of 2022

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Gangarampur Police Station Case No. 288 of 2021 dated 31.07.2021 under Sections **21 (c)/22(c)/23(c)/27A/28/29** of the Narcotic Drugs and Psychotropic Substances Act.

And

Allowed

In Re : Mizanur Mia & Ors.

..... petitioners

Ms. Jeenia Rudra

..... for the petitioners

Mr. S.G. Mukherji, Ld. P.P.

..... for the State

Learned advocate for the petitioners submits no narcotic substance was recovered from the possession of his clients.

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 petitioners. Their 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 petitioners have been able to rebut the statutory restrictions under Section 37 of the NDPS Act and they may be granted bail.

Accordingly, the petitioners be released on bail upon furnishing a bond of Rs.10,000/- each 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, Balurghat, Dakshin Dinajpur 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 petitioners fail to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel their bail automatically without reference to this court.

The application being CRM (NDPS) No. 1202 of 2022 is disposed of.

(Supratim Bhattacharya, J.)

(Joymalya Bagchi, J.)