

13.10.2022
Sourav
Suvayan
/ct 28
sl no. 17

C.R.M.(NDPS) No. 1203 of 2022

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Hasnabad Police Station Case No. 279 of 2022 dated 04.06.2022 under Sections **14A/14C** of the Foreigners' Act and Section **21 (c)** of the Narcotic Drugs and Psychotropic Substances Act.

And

Allowed

In Re : Ananda Das

..... petitioner

Mr. Kushal Kumar Mukherjee
Mr. Surajit Basu

..... for the petitioner

Mr. Prasun Kumar Dutta, Ld. A.P.P.
Mr. Nirupam Dhali

..... for the State

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

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. 1203 of 2022 is disposed of.

(Supratim Bhattacharya, J.)

(Joymalya Bagchi, J.)