

18.10.2022

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RKB/adeb

C.R.M. (NDPS) 1235 of 2022

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Lalgola Police Station Case No. 29 of 2022** dated **25.01.2022** under Sections **21(c)/29** of the Narcotic Drugs and Psychotropic Substances Act.

And

In the matter of: Ajibur Rahaman

....petitioner

Mr. Jisan Iqubal Hossain

...for the petitioner.

Mr. Sanjoy Bardhan

Ms. Debjani Dasgupta

...for the State.

Petitioner prays for bail.

Learned advocate appearing for the petitioner submits that the police proceeding against the petitioner on the basis of the statement of co-accused made while in custody.

No recovery was made from the possession of the petitioner. The police filed charge sheet and therefore custodial interrogation of the petitioner is not required.

Learned advocate appearing for the State submits that initially, an application for proclamation of arrest was made.

Petitioner surrendered before the jurisdictional Court.

Apparently police are proceeding against the petitioner on the basis of the statement of the co-accused made while in custody.

The police filed charge sheet and therefore further custodial interrogation of the petitioner is not required.

The police at this stage are unable to demonstrate any nexus between the petitioner and the person arrested with the commercial quantity of narcotics.

In such circumstances, petitioner is able to overcome the restrictions under Section 37 of the NDPS Act, 1985.

We, therefore, grant bail to the petitioner

Accordingly, the petitioner be released on bail upon furnishing a 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, Berhampore, Murshidabad subject to the condition that during bail the petitioner shall appear before the learned trial court on the date fixed till disposal of the trial and the petitioner shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to comply with the conditions as enshrined hereinbefore, it is open to the trial court to cancel the bail without any further reference to this Court.

The application for bail being C.R.M. (NDPS) 1235 of 2022 is, thus, disposed of.

(Debangsu Basak, J.)

(Ajay Kumar Gupta, J.)

