

10.11.2022
Sl. No.8
akd
[ALLOWED]

C. R. M. (NDPS) 1316 of 2022

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 03.11.2022 in connection with Kumarganj Police Station Case No. 160 of 2019 dated 16.08.2019 under Sections 21(c)/22(c)/23(c)/27A of the NDPS Act.

And

In Re: ***Imran Ali Sarkar @ Kilbish Angur***

... .. Petitioner

Mr. Subrata Saha
Mr. Vijay Verma

... .. for the petitioner

Mr. Swapan Banerjee
Mr. Suman De

... .. for the State

Heard the learned advocate appearing for both the parties.

We have considered the materials on record. We find there is no legally admissible evidence connecting the petitioner with the alleged crime. 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 may be enlarged on bail.

Therefore, the accused/petitioner, namely ***Imran Ali Sarkar @ Kilbish Angur***, 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, 1985-cum-Additional District & Sessions Judge, 3rd Court, Dakshin Dinajpur 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.)