

25.11.2022

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Allowed

C.R.M. (NDPS) No. 1318 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Kaliachak Police Station Case No. 466 of 2022 dated 08.05.2022 under Sections 21(c)/29 of the N.D.P.S. Act and subsequently charge-sheet submitted under Sections 21(c)/29/27A of the N.D.P.S. Act.

And

In Re : Yakub Sk. petitioner

Mr. Mrityunjoy Chatterjee

.....for the petitioner

Mr. Ranadeb Sengupta

.....for the State

Learned Counsel appearing for the petitioner submits he is not the owner of the motor cycle which was used for transportation of narcotic substance. He had sold the vehicle prior to the transaction.

Report submitted by the learned Counsel appearing for the State is placed on record. From the report it appears that petitioner had transferred the vehicle to the co-accused viz. Rafikul Sk. and application for transfer of ownership was filed before the R.T.O., Malda. Application was returned as the registering authority of the vehicle was Chanchal, ARTO.

In view of the aforesaid circumstances, we are of the opinion that there are prima facie materials to show that petitioner had transferred the vehicle in favour of the co-accused, Rafikul Sk prior to the transaction.

Under such circumstances petitioner has been able to rebut the statutory restrictions under Section 37 of the N.D.P.S. Act and may be granted bail.

Accordingly, we direct that the petitioner shall 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, Malda, subject to conditions that he 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.

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 in accordance with law without further reference to this Court.

The application for bail is, accordingly, allowed.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)