

21.11.2022.  
16.  
Ct.No.28.  
as  
(Allowed)

**C.R.M. (NDPS) 1348 of 2022**

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Special Case No.54 of 2020 arising out of Kushmandi P. S. Case No.69 of 2020 dated 17.08.2020 under Sections 21(c)/23(c) of the NDPS Act.

In the matter of : Joidul @ Joydur Rahaman.

.... Petitioner.

Ms. Busra Khatoon.

...for the Petitioner.

Mr. SaibalBapuli, Id.A.P.P.,

Mr. Arijit Ganguly,

Mr. Bibaswan Bhattacharya.

...for the State.

Petitioner is in custody for 41 days. It is contended no narcotic substance was recovered from his possession. He prays for bail.

Learned Advocate appearing for the State opposes the prayer for bail. He submits petitioner had absconded for a protracted period of time.

We have considered the materials on record. Apart from statement of co-accused before a police officer which is inadmissible in evidence, no other material implicating the petitioner in dealing with narcotics has been collected during investigation.

Under such circumstances, we are of the opinion that the petitioner has been able to rebut the statutory restrictions under Section 37 of the N. D. P. S. Act and he may be granted bail subject to conditions.

Accordingly, 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 N.D.P.S. Act, Dakshin Dinajpur at Balurghat subject to condition 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 and on further condition petitioner while on bail shall remain within the jurisdiction of Farakka Police Station except for the purposes of investigation and/or attending court proceeding and report to the Officer-in-charge of Farakka Police Station once in a week until further orders.

In the event the petitioner 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.

This application for bail is, thus, disposed of.

**(Ajay Kumar Gupta,J.)**

**(Joymalya Bagchi, J.)**