

23.11.2022.
12.
Ct.No.28.
as
(Allowed)

C.R.M. (NDPS) 1362 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with NDPS Case No.114 of 2021 arising out of Bhimpur P. S. Case No.295 of 2021 dated 17.10.2021 under Sections 21(c)/29 of the NDPS Act.

In the matter of : Raju Ghosh @ Rajkumar Ghosh.
.... Petitioner.

Mr. Soubhik Mitter,
Mr. L. Maitra.
...for the Petitioner.

Mr. Sanjoy Bardhan,
Ms. Baishakhi Chatterjee.
...for the State.

Petitioner is in custody for 53 days. He submits no narcotic substance was recovered from his possession. Investigation is complete.

Learned Advocate appearing for the State opposes the prayer for bail. He submits petitioner has criminal antecedents.

In reply, learned Advocate submits petitioner has been discharged from the said case.

We have considered the materials on record. No narcotic substance was recovered from his possession. His complicity has transpired from the statement of co-accused before a police officer which is inadmissible in evidence. He does not have criminal antecedents.

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, Nadia at Krishnanagar 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.

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.)