

23.11.2022.
23.
Ct.No.28.
as
(Allowed)

C.R.M. (NDPS) 1374 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with NDPS Case No.37 of 2020 arising out of Hogalberia P. S. Case No.620 of 2020 dated 21.05.2020 under Sections 21(c)/29 of the NDPS Act.

In the matter of : Sujit Pramanick @ Sujit @ Kebla.
.... Petitioner.

Mr. Debarshi Brahma,
Mr. Sagnik Mukherjee.
...for the Petitioner.

Mr. Sudip Ghosh,
Mr. Apurba Kr. Datta.
...for the State.

Petitioner is in custody for 112 days. It is submitted 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.

We have considered the materials on record. No narcotic substance was recovered from the possession of the petitioner. 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 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, Krishnanagar, Nadia 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 Hogolberia Police Station except for the purposes of investigation and/or attending court proceeding and shall report to the Officer-in-charge of the Hogolberia, 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.)