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Allowed

C.R.M. (NDPS) No. 1420 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Baishnabnagar Police Station Case No. 55 of 2021 dated 18.02.2021 under Sections 20(b)(ii)(B)/29 of the N.D.P.S. Act.

And

In Re : Rahim Sk. petitioner

Mr. Arup Kumar Bhowmick

.....for the petitioner

Mr. Madhusudan Sur, learned APP

.....for the State

Learned Counsel appearing for the petitioner submits he is in custody for 92 days. It is also submitted that no narcotic substance was recovered from his possession. He prays for bail.

Learned Counsel appearing for the State opposes the prayer for bail.

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 the co-accuseds before police officer which is inadmissible in evidence. Co-accuseds are on bail.

Under such circumstances, we are inclined to grant bail to the petitioner.

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.)