

12.12.2022

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Allowed

C.R.M. (NDPS) No. 1457 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Krishnaganj Police Station Case No. 184 of 2022 dated 27.05.2022 under Sections 21(c)/29 of the N.D.P.S. Act.

And

In Re : Raju Ghosh @ Rajkumar Ghosh petitioner

Mr. Soubhik Mitter
Mr. Litan Maitra
Mr. Syed Murshed Alam
Ms. Rajnandini Das

.....for the petitioner

Mr. Sudip Ghosh
Mr. Apurba Kumar Datta

.....for the State

Learned Counsel appearing for the petitioner submits he is in custody for 46 days. No narcotic substance was recovered from his possession. Investigation is complete. Petitioner prays for bail.

Learned Counsel appearing for the State opposes the prayer for bail and submits petitioner is involved in trafficking of narcotics. He has been implicated in similar cases.

Under such circumstances, we are of the opinion petitioner has been able to rebut the statutory restrictions under Section 37 of the NDPS Act and he 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, Nadia at Krishnagar, 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.)