

12.12.2022

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Allowed

C.R.M. (NDPS) No. 1464 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Domkal Police Station Case No. 609 of 2022 dated 24.09.2022 under Sections 21(c)/29 of the N.D.P.S. Act.

And

In Re : Enamul Hoque @ Haque petitioner

Md. G. N. Imrohi

.....for the petitioner

Mr. Saibal Bapuli, learned APP

Mr. Bibaswan Bhattacharya

.....for the State

Learned Counsel appearing for the petitioner submits he is in custody for 75 days. No narcotic substance was recovered from his possession. Petitioner prays for bail.

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

We have considered the material on record. No narcotic substance was recovered from the possession of the petitioner.

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, Murshidabad at Berhampore, 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.)