

15.12.2022

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Allowed

C.R.M. (NDPS) No. 1485 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Englishbazar Police Station Case No. 782 of 2022 dated 20.05.2022 under Sections 21(c)/29 of the N.D.P.S. Act read with Section 27A of the Drugs and Cosmetics Act and charge-sheet submitted under Sections 21(c)/29 of the N.D.P.S. Act and Section 27A of the Drugs and Cosmetics Act.

And

In Re : Ajijul Sk. @ Daktar petitioner

Mr. Musharraf Alam Sk.

Ms. Susmita Ghorai

.....for the petitioner

Mr. Sanjoy Bardhan

Ms. Baishakhi Chatterjee

.....for the State

Learned Counsel appearing for the petitioner submits he is in custody for 44 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 had telephonic conversations with the principal accused from whom narcotic substance was recovered.

We have considered the materials on record. Apart from telephonic conversations no other incriminating materials corroborating the charge of conspiracy between the petitioner and co-accuseds in transporting of narcotic substance is placed before us. Investigation is complete.

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, 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.)