

16.12.2022
Sl. No.7
akd
[ALLOWED]

C. R. M. (NDPS) 1491 of 2022

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 12.12.2022 in connection with Gangarampur Police Station Case No. 288 of 2021 dated 31.07.2021 under Sections 21(c)/22(c)/23(c)/27A/28/29 of the NDPS Act.

And

In Re: ***Rashidul Mia @ Rasidul Rahaman & Anr.***

... .. Petitioners

Mr. Kaushik Chaudhury
Ms. Busra Khatoon

... .. for the petitioners

Mr. T. D. Nandy
Mr. Antarikhya Basu

... .. for the State

It is submitted on behalf of the petitioners that they are in custody for about 38 days. It is further submitted no narcotic substance was recovered from their possession. Investigation is complete.

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

We have considered the materials on record. We find that no narcotic substance was recovered from the possession of the petitioners. Investigation has not revealed any legally admissible evidence connecting them with the crime. Investigation is complete. Under such circumstances, we are of the opinion that the petitioners have been able to rebut the statutory restrictions under Section 37 of the NDPS Act. In view of the aforesaid fact and period of detention suffered by the petitioners, we are of the opinion further detention of the accuseds/petitioners is not necessary.

Therefore, the accuseds/petitioners, namely ***(1) Rashidul Mia @ Rasidul Rahaman & (2) Mijanur Mia @ Rahaman***, be released on bail upon furnishing bond of Rs.10,000/- (Rupees Ten thousand only)

each, with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Judge, Special Court under the NDPS Act-cum-Additional District Judge, 3rd Court, Balurghat, Dakshin Dinajpur subject to condition that the said petitioners 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 or commit similar offences in future.

In the event they fail to appear before the trial court without any justifiable cause, the trial court shall be at liberty to cancel their bail automatically without reference to this court.

The application for bail, thus, stands **allowed**.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)