

22.12.2022

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Allowed

C.R.M. (NDPS) No. 1520 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Kaliachak Police Station Case No. 293 of 2021 dated 12.03.2021 under Sections 20(C)/29 of the N.D.P.S. Act.

And

In Re : Enamul Sk. @ Enaul Sk. petitioner

Mr. Mrityunjoy Chatterjee

Mr. Debapriya Majumder

.....for the petitioner

Mr. Swapan Banerjee

Mr. Suman De

.....for the State

Learned Counsel appearing for the petitioner submits he is in custody for about a month. 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. In the course of investigation no legally admissible material connecting him with the transaction has been collected.

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.)