

25.08.2022

Sl. No.1

akd

[ALLOWED]

IN THE HIGH COURT AT CALCUTTA
Circuit Bench at Jalpaiguri

C. R. M. (NDPS) 253 of 2022

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 22.08.2022 in connection with Kotwali Police Station Case No. 344 of 2022 dated 01.06.2022 under Sections 21(c)/29 of the NDPS Act.

And

In Re: ***Rabiul Haque***

... .. Petitioner

Mr. Pravash Bhattacharya

... .. for the petitioner

Mr. Aditi Sankar Chakraborty .. Id. Addl. Public Prosecutor

Mr. Aniruddha Biswas

... .. for the State

It is submitted on behalf of the petitioner no narcotic substance was recovered from his possession.

Particulars of the seized vehicle is placed on record. It appears petitioner is not the registered owner of the vehicle.

We have considered the materials on record. We find that no narcotic substance was recovered from the possession of the petitioner and his complicity has transpired from the statement of co-accused before a police officer which is inadmissible in evidence. Under such circumstances, we are of the opinion that the petitioner has been able to rebut the statutory restrictions under Section 37 of the NDPS Act. Hence, further detention of the accused/petitioner is not necessary.

Therefore, the accused/petitioner, namely ***Rabiul Haque***, be released on bail upon furnishing bond of Rs.10,000/- (Rupees Ten thousand only), 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, 1985, 1st Court, Jalpaiguri subject to condition that the said petitioner 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 he fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this court.

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

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)