

20.01.2023.
30.
Ct.No.28.
as
(Allowed)

C.R.M. (NDPS) 101 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with English Bazar P. S. Case No.614 of 2020 dated 28.07.2020 under Sections 27A of the NDPS Act and added Sections 21(c)/29 of the NDPS Act.

In the matter of : Dhasu Ghosh.

.... Petitioner.

Mr. Amitabha Karmakar,
Mr. Arup Kr. Bhowmick.

...for the Petitioner.

Mr. T. D. Nandy,
Mr. Antarikhya Basu.

...for the State.

Liberty is given to the learned Advocate on record of the petitioner to amend the cause title of the petition.

We are informed that the supplementary charge-sheet incorporating the offence under Sections 21(c)/29 of the NDPS Act has been filed.

Learned Advocate for the petitioner submits no narcotics was recovered from his possession. He has been falsely implicated in the instant case. Investigation is complete. He prays for bail.

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

We have considered the materials on record. No narcotic substance was recovered from his possession. There is no legally admissible material implicating him in the crime. Investigation is complete.

Under such circumstances, we are of the opinion that the petitioner has been able to rebut the statutory restrictions under Section 37 of the N. D. P. S. Act and he may be granted bail.

Accordingly, the petitioner viz., Dhasu Ghosh 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 N.D.P.S. Act, Malda subject to condition 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 the petitioner 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.

This application for bail is, thus, disposed of.

(Ajay Kumar Gupta,J.)

(Joymalya Bagchi, J.)