

10.01.2023.
06.
Ct.No.28.
as
(Allowed)

C.R.M. (NDPS) 21 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Special Case No.80 of 2020 arising out of Gangarampur P.S. Case No.388 of 2020 dated 29.10.2020 under Sections 21(c)/22(c)/23(c)/27A/28/29 of the NDPS Act and charge sheet submitted under Sections 21(c)/22(c)/23(c)/27A/28/29 of the NDPS Act.

In the matter of : Bellal @ Belal Hossain @ Rahaman.
.... Petitioner.

Mr. Kaushik Choudhury,
Ms. Busra Khatoon.

...for the Petitioner.

Mr. Sanjoy Bardhan,
Ms. Debjani Dasgupta.

...for the State.

Petitioner is in custody for 102 days. It is submitted no narcotic substance was recovered from his possession. Co-accused is on bail. Investigation is complete. He prays for bail.

Learned Advocate appearing for the State opposes the prayer for bail. He submits petitioner had absconded for two years.

We have considered the materials on record. No narcotic substance was recovered from the petitioner. Co-accused is on bail. 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 may be granted bail.

Accordingly, the petitioner viz., Bellal @ Belal Hossain @ Rahaman 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, Dakshin Dinajpur at Balurghat 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.)