

13.01.2023
Sl. No.16
akd
[ALLOWED]

C. R. M. (NDPS) 53 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 09.01.2023 in connection with Jalangi Police Station Case No. 215 of 2022 dated 27.06.2022 under Sections 21(c)/29 of the NDPS Act. (NDPS Case No.160 of 2022)

And

In Re: ***Alomgir Sk.***

... .. Petitioner

Mr. Jisan Iqbal Hossain
Ms. Chandrima Debnath
Mr. Karnel Mondal

... .. for the petitioner

Mr. Saibal Bapuli .. Id. Addl. Public Prosecutor
Mr. Bibaswan Bhattacharya

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about 200 days. It is further submitted no narcotic substance was recovered from his possession.

Learned Advocate for the State opposes the prayer for bail and submits Call Data Records (CDRs.) between petitioner and co-accused show involvement of the petitioner in trafficking narcotics.

We have considered the materials on record. We find that no narcotic substance was recovered from the possession of the petitioner. CDRs. showing communications (*contents whereof are unknown*) between petitioner and co-accused were collected. No legally admissible evidence corroborating the aforesaid circumstance is placed on record. 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 NDPS Act. In view of the aforesaid fact and period of detention suffered by the petitioner, we are of the opinion further detention of the accused/petitioner is not necessary.

Therefore, the accused/petitioner, namely ***Alomgir Sk.***, 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, Berhampore, Murshidabad 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 any 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**.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)