

16.01.2023

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Allowed

C.R.M. (NDPS) No. 61 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Kaliganj Police Station Case No. 626 of 2022 dated 23.09.2022 under Sections 20(b)/25/29 of the N.D.P.S. Act.

And

In Re : Riajuddin Biswas @ Jiten @ Riojuddin Biswas petitioner

Mr. Amanul Islam
Mr. Sourav Mukherjee

.....for the petitioner

Mr. T.D. Nandy
Mr. Antarikhya Basu

.....for the State

Liberty is granted to the learned Counsel for the petitioner to correct the cause title.

Learned Counsel for the petitioner submits he is in custody for 98 days. No narcotic substance was recovered from his possession. He prays for bail.

Learned Counsel appearing for the State opposes the prayer for bail and submits petitioner is the conspirator in dealing in narcotic substance. A SIM Card standing in the name of the petitioner was used by the dealers to communicate between themselves.

We have considered the materials on record. A SIM Card used by co-accuseds stands in the name of the petitioner. No other incriminating material to show his complicity in the crime is disclosed. Whether petitioner was a mere name lender or

played an active role in the conspiracy may be adjudged in the course of the trial.

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, Nadia at Krishnagar, 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.)