

17.01.2023
Sl. No.7
akd
[ALLOWED]

C. R. M. (NDPS) 68 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 10.01.2023 in connection with Gangarampur Police Station Case No. 413 of 2020 dated 21.11.2020 under Sections 21(c)/22(c)/23(c)/27A/28/29 of the NDPS Act.

And

In Re: ***Bellal @ Belal Hossain @ Rahaman***

... .. Petitioner

Mr. Kaushik Choudhury
Ms. Busra Khatoon

... .. for the petitioner

Mr. Ranadeb Sengupta

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about 61 days. It is further submitted no narcotic substance was recovered from his possession. Investigation is complete.

Learned Advocate for the State opposes the prayer for bail.

We have considered the materials on record. We find that no narcotic substance was recovered from the possession of the petitioner. Investigation is complete. Investigation has not revealed any legally admissible evidence connecting him with the crime. 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 ***Bellal @ Belal Hossain @ Rahaman***, 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-cum-Additional District Judge, 3rd Court, Dakshin Dinajpur at Balurghat 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.)