

24.01.2023.
11.
Ct.No.28.
as
(Allowed)

C.R.M. (NDPS) 95 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with NDPS Case No.83 of 2022 arising out of Sagardighi P. S. Case No.100 of 2022 dated 27.03.2022 under Sections 21(c)/29 of the NDPS Act.

In the matter of : Saidur Sk. @ Saidul Sk. @
Saidur Rahaman.

.... Petitioner.

Mr. Jisan Hossain,
Ms. Chandrima Debnath,
Mr. K. Mondal.

...for the Petitioner.

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

...for the State.

Petitioner is in custody for 53 days. Investigation is complete. He prays for bail.

Learned Advocate for the State opposes the bail prayer. He submits petitioner had telephonic conversation with co-accused from whom narcotics was recovered.

We have considered the materials on record. Apart from telephonic conversation (contents whereof are unknown), there is no other legally admissible material implicating him in dealing in narcotic substances. 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., Saidur Sk. @ Saidul Sk. @ Saidur 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, Murshidabad at Berhampore 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.)