

30.01.2023.
13.
Ct.No.28.
as
(Allowed)

C.R.M. (NDPS) 115 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with NDPS Case No.218 of 2022 arising out of Jiaganj P. S. Case No.276 of 2022 dated 09.10.2022 under Sections 21(c)/29 of the NDPS Act.

In the matter of : Md. Kurban Sk @ Md. Kurban.

.... Petitioner.

Mr. Tapodip Gupta.

...for the Petitioner.

Mr. Swapan Banerjee,

Mr. Suman De.

...for the State.

Petitioner is in custody for 110 days. No narcotics was recovered from the petitioner. He prays for bail.

Learned Advocate for the State opposes the bail prayer.

We have considered the materials on record. No narcotics was recovered from the petitioner. His complicity has transpired from the statement of co-accused before police officer which is inadmissible in evidence.

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., Md. Kurban Sk @ Md. Kurban 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.)