

27.02.2023

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Ct. No. 29

KAUSHIK

Allowed

C.R.M. (NDPS) 116 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Murutia** Police Station Case No. **288** of **2022** dated **20.11.2022** under Sections 21(c)/29 of the Narcotic Drugs and Psychotropic Substances Act.

And

In Re : Rasidul Mandal @ Babu

..... petitioner

Mr. Amit Singh

.....for the petitioner

Mr. T. D. Nandy

Mr. Antarikhya Basu

....for the State

The petitioner is in custody for 96 days.

Apparently, the police are proceeding against the petitioner on the basis of the statement of the co-accused made while in custody.

Report submitted in Court be taken on record.

Report does not demonstrate any nexus between the petitioner and the person arrested with the commercial quantity of narcotic and/or the seized commercial quantity of narcotic.

Other co-accuseds similarly situated were granted anticipatory bail by the High Court.

In such circumstances, we are of the view that the petitioner is able to overcome the restrictions under Section 37 of the NDPS Act, 1985. Consequently, we grant bail to the petitioner.

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 Additional Chief Judicial Magistrate, Tehatta, Nadia**, subject to the condition that the petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate the witnesses and/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 the bail of the petitioner without further reference to this Court.

The application for bail is, accordingly, allowed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)