

31.01.2023.
09.
Ct.No.28.
as
(Allowed)

C.R.M. (NDPS) 130 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with NDPS Case No.34 of 2021 rising out of Kotwali P.S. Case No.501 of 2021 dated 29.08.2021 under Sections 21(c)/29 of the NDPS Act and Sections 25/27/35 of the Arms Act.

In the matter of : Sk. Babai @ Sk. Azimusen.

.... Petitioner.

Mr. Sujan Chatterjee,
Mr. Partha Sarkar.

...for the Petitioner.

Mr. Saibal Bapuli, Id. A.P.P.,
Mr. Bibaswan Bhattacharyya.

...for the State.

Petitioner is in custody for 465 days. He submits no narcotics was recovered from him. He prays for bail.

Learned Advocate for the State opposes the bail prayer. He submits co-accused carried narcotics on a motor cycle standing in the name of the father of the petitioner.

We have considered the materials on record. No narcotics was recovered from the petitioner. Motor cycle does not stand in his name.

In view of the aforesaid circumstances, we are of the opinion petitioner has been able to rebut the statutory restrictions under Section 37 of the NDPS Act and may be enlarged on bail.

Accordingly, the petitioner viz., Sk. Babai @ Sk. Azimusen 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, Paschim Medinipur 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.)