

01.02.2023
tkm/ct 28
sl no. 8

C.R.M. (NDPS) 135 of 2023

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Murutia P.S case no. 223 of 2022 dated 11.9.2022 under sections 21(c)/29 of the NDPS Act
And

Allowed

In Re : Nihar Molla petitioner

Mr. Sumanta Das
Ms. M Manna

..... for the petitioner

Mr. R D Nandy
Mrs. Sonali Das

..... for the State

Petitioner is in custody for 96 days. It is submitted no narcotics was recovered from his possession. He prays for bail.

Learned lawyer for the State opposes the bail prayer.

We have considered the materials on record. No narcotics was recovered from the petitioner. Though there are telephonic communication between him and the co-accuseds (contents whereof are unknown), no other legally admissible evidence implicating him in the crime is placed on record.

Under such circumstances we are of the opinion petitioner has been able to rebut statutory restrictions under section 37 of the NDPS Act and he may be granted bail.

Accordingly, the petitioner 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 NDPS Act at Krishnagar Nadia, on condition that the petitioner shall appear before the trial court on

every date of hearing and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event he fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this court.

The application being CRM (NDPS) 135 of 2023 is disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)