

08.02.2023.

11.

Ct.No.28.

as

(Allowed)

C.R.M. (NDPS) 214 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Special Case No.15 of 2022 arising out of Gangarampur P. S. Case No.104 of 2022 dated 18.02.2022 under Sections 21(C)/22(C)/23(C)/27A/29 of the NDPS Act.

In the matter of : Juel Sarkar @ Juwel Sarkar

.... Petitioner.

Ms. Jeenia Rudra,
Ms. Megha Chanda.

...for the Petitioner.

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

...for the State.

Petitioner is in custody for 57 days. No narcotics was recovered from the petitioner. He prays for bail.

Learned Advocate for the State opposes the bail prayer. He submits investigation is in progress.

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. Though petitioner is in custody for about two months, no incriminating material has transpired in the course of investigation.

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

Accordingly, the petitioner viz., Juel Sarkar @ Juwel Sarkar 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, Balurghat, Dakshin Dinajpur 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.)