

13.03.2023
Sl. No.59
akd
[ALLOWED]

C. R. M. (NDPS) 242 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 06.02.2023 in connection with Raninagar Police Station Case No.359 of 2022 dated 02.09.2022 under Sections 21(c)/29 of the NDPS Act. (NDPS Case No.196 of 2022)

And

In Re: ***Bapi Sk. @ Bapi Sekh***

... .. Petitioner

Mr. Jisan Iqbal Hossain

... .. for the petitioner

Mr. Ranadeb Sengupta

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about 68 days. It is further submitted no narcotic substance was recovered from his possession.

Learned Advocate for the State opposes the prayer for bail and submits there are Call Data Records (CDRs.) showing telephonic communications between petitioner and co-accused from whom narcotic substance was recovered.

We have considered the materials on record. We find that no narcotic substance was recovered from the possession of the petitioner. Though CDRs. show telephonic communications between petitioner and co-accused, no corroborative evidence in the form of money trail between the parties has been revealed. In view of the aforesaid materials, we are of the opinion petitioner has been able to rebut the statutory restrictions under Section 37 of the NDPS Act. Under such circumstances and in view of the period of detention suffered by the petitioner, we are of the opinion further detention of the accused/petitioner is not necessary.

Therefore, the accused/petitioner, namely **Bapi Sk. @ Bapi Sekh**, be released on bail upon furnishing bond of Rs.10,000/- (Rupees Ten thousand only), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Judge, Special Court under the NDPS Act, Berhampore, Murshidabad subject to condition that the said petitioner 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 or commit similar offences in future.

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

The application for bail, thus, stands **allowed**.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)