

20.03.2023
Sl. No.4
akd
[ALLOWED]

C. R. M. (NDPS) 307 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 10.02.2023 in connection with Malda Police Station Case No.573 of 2022 dated 12.12.2022 under Sections 21(c)/25/28/29 of the NDPS Act. (NDPS Case No.202 of 2022)

And

In Re: **Chand Sk. @ Labbu Sk.**

... .. Petitioner

Mr. Kalidas Saha

... .. for the petitioner

Mr. Saryati Datta

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for over 80 days. It is further submitted no narcotic substance was recovered from his possession.

Learned advocate appearing for the State opposes the prayer for bail and submits petitioner was involved in dealing in narcotics.

We have considered the materials on record. We find that no narcotic substance was recovered from the petitioner. No telephonic conversation and/or money trail between the petitioner and co-accused from whom narcotics was recovered had transpired during investigation. Statements of witnesses with regard to complicity of the petitioner are generic and do not relate to the incident which is the subject matter of investigation. Under such circumstances, we are of the opinion petitioner has been able to rebut the statutory restrictions under Section 37 of the NDPS Act. In view of the aforesaid fact and 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 **Chand Sk. @ Labbu Sk.**, 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-cum-Additional District Judge, 4th Court, Malda 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.)