

24.02.2023.
12.
Ct.No.28.
as
(Allowed)

C.R.M. (NDPS) 344 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with NDPS Case No.12 of 2022 arising out of Islampur P. S. Case No.08 of 2022 dated 04.01.2022 under Sections 21(c)/29 of the NDPS Act.

In the matter of : Mainul Sk.

.... Petitioner.

Mr. Arnab Chatterjee,
Ms. Chandrima Debnath.

...for the Petitioner.

Mr. Rudradipta Nandy, Id. A.P.P.,
Mr. Subrata Roy.

...for the State.

Petitioner is in custody for eight months. It is submitted there is no legally admissible evidence connecting him with the crime. Co-accused has been granted pre-arrest bail. He prays for bail.

Learned Advocate for the State opposes the bail prayer.

We have considered the materials on record. Police officials recovered 90 bottles of phensedyl syrup containing codeine phosphate. Official witnesses stated they came to know of the identity of the petitioner from local people. Statements of the local villagers, however, do not disclose the identity of the miscreants.

Under such circumstances, petitioner has been able to rebut the statutory restrictions under Section 37 of the N.D.P.S. Act and he may be granted bail.

Accordingly, the petitioner viz., Mainul Sk. 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, Berhampore, Murshidabad 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.)