

19.04.2023
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allowed

CRM(NDPS) No. 419 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Baishnabnagar Police Station Case No. 18 of 2023 dated 08.01.2023 under Sections 21(c)/25 and 29 of the NDPS Act.

And

In Re : Md. Anewar Islam @ Anwar Islam @ Anwar Sk. petitioner

Md. Wasim Akram

....for the petitioner

Mr. N. Ahmed, learned APP

Mr. Rudradipta Nandy, learned APP

Ms. Ayantika Roy

.... for the State

Report filed by the learned Counsel for the State is placed on record.

From the report it appears apart from telephonic conversations between the petitioner and co-accused Kayum Sk. as appearing from CDRs, no other legally admissible evidence connecting the petitioner with transportation of narcotics is placed on record. Money trail between the petitioner and co-accused has not been established.

In view of the slender materials on record, we are of the opinion petitioner has been able to rebut the statutory restrictions under Section 37 of the NDPS Act and he may be enlarged on bail.

Accordingly, we direct that the petitioner 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 NDPS Act,

Additional District and Sessions Judge, 4th Court, Malda, subject to conditions that petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

The application for bail is, accordingly, allowed.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)