

21.03.2023.
05.
Ct.No.28.
as
(Allowed)

C.R.M. (NDPS) 425 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection NDPS Case No.237 of 2021 arising out of Berhampore P. S. Case No.1225 of 2021 dated 24.10.2021 under Sections 22(c)/29 of the NDPS Act.

In the matter of : Azad Sk.

.... Petitioner.

Mr. Arnab Chatterjee,
Ms. Chandrima Debnath,
Ms. Paulami Bose.

...for the Petitioner.

Mr. Saryati Datta.

...for the State.

Learned Advocate for the petitioner submits no narcotics was recovered from his possession. He has been falsely implicated in the instant case. Investigation is complete. He prays for bail.

Learned Advocate appearing for the State opposes the prayer for bail.

We have considered the materials on record. No narcotic substance was recovered from his possession. His complicity has transpired from the statement of co-accused which is inadmissible in evidence.

Under such circumstances, we are of the opinion that the 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., Azad 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.)