

21.03.2023.
17.
Ct.No.28.
as
(Allowed)

C.R.M. (NDPS) 441 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection NDPS Case No.181 of 2022 (Special) arising out of Gazole P. S. Case No.798 of 2022 dated 11.10.2022 under Sections 20(b)(ii)(c)/25/27A/29 of the NDPS Act.

In the matter of : Bibek Mahato.

.... Petitioner.

Mr. Avinaba Patra,
Ms. S. Sarkar.

...for the Petitioner.

Mr. T. D. Nandy,
Mr. Antarikhya Basu.

...for the State.

Petitioner is in custody for 131 days. No narcotics was recovered from his possession. He prays for bail.

Learned Advocate for the State opposes the bail prayer. He submits investigation is in progress.

We have considered the materials on record. No narcotics was recovered from the possession of the petitioner. His complicity has transpired from the statement of co-accused before a police officer which is inadmissible in evidence. No other incriminating material has transpired during the detention of the petitioner.

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., Bibek Mahato 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, Malda 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.)