

28.03.2023.
21.
Ct.No.28.
as
(Allowed)

C.R.M. (NDPS) 538 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection Special Case No.52 of 2018 arising out of Balurghat P. S. Case No.351 of 2018 dated 24.10.2018 under Sections 21(C)/22(C)/23(C)/27A of the NDPS Act and charge sheet submitted under Sections 21(C)/22(C)/23(C)/27A of the NDPS Act.

In the matter of : Ratan Sarkar.

.... Petitioner.

Mr. Kaushik Chowdhury,
Ms. Busra Khatun.

...for the Petitioner.

Mr. Rudradipta Nandy, ld. A.P.P.,
Mrs. Sonali Das.

...for the State.

Petitioner is in custody for 86 days. He prays for bail.

Learned Advocate for the State opposes the bail prayer.

We have considered the materials on record. No narcotics was recovered from the petitioner. No incriminating material has transpired during investigation. Charge sheet has been filed.

Under such circumstances, petitioner has been able to rebut statutory restrictions under Section 37 of the NDPS Act and he may be enlarged on bail.

Accordingly, the petitioner viz., Ratan Sarkar 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 the NDPS Act, Balurghat, Dakshin Dinajpur 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.)