

30.03.2023
Sl. No.16
akd
[ALLOWED]

C. R. M. (NDPS) 583 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 23.03.2023 in connection with Berhampore Police Station Case No. 1450 of 2021 dated 17.12.2021 under Sections 21(c)/29 of the NDPS Act read with Sections 25/27 of the Arms Act. (NDPS Case No.282 of 2021)

And

In Re: ***Md. Rabiul Islam @ Md. Rabbul Sk.***

... .. Petitioner

Md. Golam Nure Imrohi

... .. for the petitioner

Mr. Saryati Datta

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about one year and one month. It is further submitted no narcotic substance was recovered from his possession.

Learned Advocate for the State opposes the prayer for bail and submits petitioner has criminal antecedents.

We have considered the materials on record. We find that no narcotic substance was recovered from the petitioner. In spite of detention for more than a year, no incriminating material implicating him in dealing in narcotics was collected by the investigating agency. Under such circumstances, we are of the opinion petitioner has been able to rebut the statutory restrictions under Section 37 of the NDPS Act. In view of the aforesaid fact and the period of detention suffered by the petitioner, we are of the opinion further detention of the accused/petitioner is not necessary.

Therefore, the accused/petitioner, namely ***Md. Rabiul Islam @ Md. Rabbul Sk.***, be released on bail upon furnishing bond of Rs.10,000/- (Rupees Ten thousand only), 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-cum-Additional District Judge, 5th Court, Berhampore, Murshidabad subject to condition that the said petitioner 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 or commit similar offences in future.

In the event he fails to appear before the trial court without any justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this court.

The application for bail, thus, stands allowed.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)