

06.04.2023.
16.
Ct.No.28.
(Allowed)

C.R.M. (NDPS) 676 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Special Case No.13 of 2022 arising out of Hili P. S. Case No.39 of 2022 dated 09.02.2022 under Sections 21(c)/22(c)/23(c)/27A of the NDPS Act.

In the matter of : Samsuddin Fakir.

.... Petitioner.

Mr. Kaushik Chowdhury.

...for the Petitioner.

Mr. Ranabir Roy Chowdhury,
Mr. Mainak Gupta.

...for the State.

Heard the learned Advocates for the parties.

We have considered the materials on record. No narcotics has been recovered from the petitioner. His complicity has transpired from the statement of co-accused before police officer which is inadmissible in evidence.

Under such circumstances, we hold he has been able to rebut statutory restrictions under Section 37 of the NDPS Act and is entitled to bail.

Accordingly, the petitioner viz., Samsuddin Fakir 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, 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.)