

11.04.2023.
18.
Ct.No.28.
as
(Allowed)

C.R.M. (NDPS) 703 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection Spl Case No.08 of 2021 arising out of Gangarampur P. S. Case No.18 of 2021 dated 12.01.2021 under Sections 22(c)/23(c)27A/28/29 of the NDPS Act.

In the matter of : Mizan Ali @ Mizanur Rahaman.

.... Petitioner.

Mazhar Hossain Chowdhury,
Ms. Mobashshara Alam.

...for the Petitioner.

Mr. Sudip Ghosh,
Mr. Bitasok Banerjee.

...for the State.

Heard the learned Advocates for the parties.

Petitioner is in custody for 65 days. No narcotics was recovered from his possession. Investigation is complete. Co-accused have been granted bail.

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

Accordingly, the petitioner viz., Mizan Ali @ Mizanur Rahaman 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.)