

13.04.2023
13
sdas
allowed

CRM (NDPS) No. 726 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Jalangi Police Station Case No. 324 of 2022 dated 20.10.2022 under Sections 20(b)(ii)(c)/29 of the NDPS Act.

And

In Re : Sabbir Fakir petitioner

Mr. Arnab Chatterjee
Ms. Dhanasree Biswas
Ms. Poulami Bose
Ms. Chandrima Debnath

.....for the petitioner

Mr. Saryati Datta

..... for the State

Learned Counsel for the petitioner submits no narcotics was recovered from his possession. He has been falsely implicated. He prays for bail.

Learned Counsel for the State opposes the prayer for bail and submits investigation is in progress.

We have considered the materials on record. No narcotics was recovered from the petitioner. His complicity has transpired from the statement of the co-accused before the police officer which is inadmissible in evidence. Though he was interrogated in police custody no incriminating material has transpired against him. Under such circumstances, we are of the opinion petitioner has been able to rebut the statutory

restrictions under Section 37 of the NDPS Act and further detention of the petitioner is not necessary for progress of investigation and he may be enlarged on bail.

Accordingly, we direct that the petitioner 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 NDPS Act, Berhampore, Murshidabad, subject to the condition that the petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

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

The application for bail is, accordingly, allowed.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)