

13.04.2023
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allowed

CRM (NDPS) No. 742 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Lalgola Police Station Case No. 98 of 2022 dated 27.03.2022 under Sections 21(c)/29 of the NDPS Act and Sections 13/14 of the Foreigners Act and charge-sheet submitted under Sections 21(c)/29 of the NDPS Act.

And

In Re : Golam Rasul @ Golam @ Golam Rosul petitioner

Mr. Tapodip Gupta

.....for the petitioner

Mr. Rudradipta Nandy, learned APP

Mr. Subrato Roy

..... for the State

Learned Counsel for the petitioner submits he is in custody for 44 days. It is also submitted no narcotics was recovered from his possession. He prays for bail.

Learned Counsel for the State opposes the prayer for bail.

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. 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 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-cum-Additional District Judge, 2nd Court at 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.)