

17.04.2023.
21.
Ct.No.28.
as
(Allowed)

C.R.M. (NDPS) 763 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection N Case No.168 of 2021 arising out of Lake Town P. S. Case No.326 of 2021 dated 14.12.2021 under Sections 21(c)/29 of the NDPS Act.

In the matter of : Mahatab Sk @ Pintu @ Mehtab Sk.
.... Petitioner.

Mr. Buswajit Manna,
Mr. Anisur Rahman.
...for the Petitioner.

Mr. T. D. Nandy,
Mr. Antarikhya Basu.
...for the State.

Petitioner is in custody for 76 days. It is contended no narcotics was recovered from his possession. He has been falsely implicated. Investigation is complete. He prays for bail.

Learned Advocate for the State opposes the bail prayer. He submits petitioner is a conspirator. He had frequent telephonic conversations with co-accused from whom narcotics above commercial quantity was recovered.

We have considered the materials on record. No narcotics was recovered from the petitioner. Though he is in custody for about two months, no incriminating material apart from CDRs showing telephonic conversations between petitioner and co-accused has transpired. Money trail between the parties have not been traced out.

In view of the slender material on record i.e. telephonic conversations between petitioner and co-accused which has not been corroborated by other legally admissible evidence, we

are of the opinion petitioner has been able to rebut statutory restrictions under Section 37 of the NDPS Act and may be granted bail.

Accordingly, the petitioner viz., Mahatab Sk @ Pintu @ Mehtab Sk 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, North 24-Paraganas, Barasat 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.)