

27.04.2023  
Sl. No.5  
**akd**  
[ALLOWED]

**C. R. M. (NDPS) 801 of 2023**

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 12.04.2023 in connection with Raniganj Police Station Case No.950 of 2022 dated 25.07.2022 under Section 21(c) of the NDPS Act. (NDPS Case No.60 of 2022)

And

In Re: ***Mo Amirul Hak @ Amirul Haque***

... .. Petitioner

Mr. Shataroop Purukayastha  
Mr. Jagriti Bhattacharyya  
Mr. Hamidur Rahaman

... .. for the petitioner

Mr. Ranabir Roy Chowdhury  
Mr. Mainak Gupta

... .. for the State

It is submitted on behalf of the petitioner that no narcotics was recovered from his possession. Accordingly, he prays for bail.

Report is placed on record.

Learned Advocate for the State opposes the prayer for bail and submits there were telephonic conversations between the petitioner and co-accused from whom narcotics i.e. 1000 bottles of *codeine phosphate* were recovered.

We have considered the materials on record. No narcotics was recovered from the petitioner. Apart from telephonic exchanges (*contents whereof are unknown*), there is no other legally admissible evidence connecting the petitioner with the crime. No money trail between the petitioner and co-accused has been traced out. Investigation is complete. In view of the slender materials on record, we are of the opinion petitioner has been able to make out a prima facie defence which is sufficient to rebut the statutory restrictions under Section 37 of the NDPS Act. Under such circumstances and in view of

the period of detention suffered by the petitioner, we are of the opinion further detention of the accused/petitioner is not necessary and he may be enlarged on bail however, subject to strict conditions.

Therefore, the accused/petitioner, namely ***Mo Amirul Hak @ Amirul Haque***, be released on bail upon furnishing bond of Rs.10,000/- (Rupees Ten thousand only), 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, Raiganj, Uttar Dinajpur subject to condition that the said petitioner 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 or commit similar offences in future and on further condition that the petitioner, while on bail, shall not leave the jurisdiction of the district of Uttar Dinajpur and shall report to the Officer-in-charge, Raiganj Police Station once in a week until further orders.

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

The application for bail, thus, stands allowed.

**(Ajay Kumar Gupta, J.)**

**(Joymalya Bagchi, J.)**