

20.04.2023.
09.
Ct.No.28.
as
(Allowed)

C.R.M. (NDPS) 814 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection NDPS Case No.201 of 2021 arising out of Berhampur Customs Preventive Unit Seizure Case No.08/NDPS/CL/CUS/BCPU/2020-21 dated 18.09.2021 under Sections 20(C)/29 of the NDPS Act.

In the matter of : Ujjal Parui.

.... Petitioner.

Mr. Sumanta Das.

...for the Petitioner.

Mr. Vipul Kundalia,
Ms. Aishwarya Rajyashree.

...for the Custom Authority.

Mr. Rajesh Kumar Shah.

...for the U.O.I.

Petitioner submits no Legally admissible evidence showing his complicity in dealing in narcotics has been collected. Statements recorded under Section 67 of the NDPS Act are inadmissible in law. He prays for bail.

Learned Advocate for the Custom authority submits petitioner is one of the leaders of the organised racket who dealt in narcotics. He did not co-operate with the investigation. Statement of co-accused implicate him in the crime.

We have considered the materials on record. *In Tofan Singh Vs. State of Tamil Nadu* ¹, the Apex Court held statement recorded before Customs officials under Section 67 of the NDPS Act are not admissible in law. Apart from the said statement, there is hardly any legally admissible material

¹ (2021) 4 SCC 1

implicating the petitioner in the transaction in ganja.

Investigation is complete. Complaint has been filed.

Under such circumstances, we are inclined to enlarge the petitioner on bail.

Accordingly, the petitioners viz., Ujjal Parui 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, Murshidabad at Berhampore 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.)