

26.04.2023
Sl. No.17
akd
[ALLOWED]

C. R. M. (NDPS) 876 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 18.04.2023 in connection with Kumarganj Police Station Case No.130 of 2018 dated 02.07.2018 under Sections 20(B)/21/22/23 of the NDPS Act.

And

In Re: **Ariful Sarkar**

... .. Petitioner

Mr. Kaushik Choudhury
Ms. Busra Khatoon

... .. for the petitioner

Mr. Arijit Ganguly
Mr. Sanjib Kr. Dan

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about 51 days. It is further submitted no narcotics was recovered from his possession. Co-accused viz. Rasidul Mondal has been enlarged on bail.

Learned Advocate for the State opposes the prayer for bail.

We have considered the materials on record. We find that no narcotic substance was recovered from the possession of the petitioner. Co-accused viz. Rasidul Mondal has been enlarged on bail. Under such circumstances, we are of the opinion petitioner has been able to rebut the statutory restrictions under Section 37 of the NDPS Act. In view of the aforesaid fact and the period of detention suffered by the petitioner, we are of the opinion further detention of the accused/petitioner is not necessary.

Therefore, the accused/petitioner, namely **Ariful Sarkar**, 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-cum-Additional District Judge, 3rd Court, Balurghat, Dakshin 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.

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.)