

10.05.2023.
14.
Ct.No.28.
as
(Allowed)

C.R.M. (NDPS) 914 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with NDPS Case No.03 of 2023 arising out of Tamruk P. S. Case No.159 of 2023 dated 21.02.2023 under Sections 22(b)(ii)C/29 of the NDPS Act.

In the matter of : Sankar Sardar.

.... Petitioner.

Mr. Subhabrata Chowdhury,
Ms. Tripti Pandey,
Mr. Aritra Sinha.

...for the Petitioner.

Mr. Saryati Datta.

...for the State.

Petitioner is in custody for 76 days. No narcotics was recovered from his possession. Apart from a single phone call between petitioner and co-accused viz., Ganesh Mishri, there is no material implicating him in the crime.

Keeping in mind the sketchy material on record, we are of the opinion petitioner has been able to make out a *prima facie* case to rebut the statutory restrictions under Section 37 of the N. D. P. S. Act. Hence, we are inclined to enlarge him on bail.

Accordingly, the petitioner viz., Sankar Sardar 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 N.D.P.S. Act, Tamruk, Purba Medinipur 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.)