

03.05.2023.
18.
Ct.No.28.
as
(Allowed)

C.R.M. (NDPS) 925 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Special Case No.10 of 2019 arising out of Kumarganj P. S. Case No.11 of 2019 dated 14.01.2019 under Sections 21/22/23 of the NDPS Act.

In the matter of : Ariful Sarkar.

.... Petitioner.

Ms. Busra Khatun.

...for the Petitioner.

Mr. Saibal Bapuli, Id. A.P.P.,
Mr. Arijit Ganguli,
Mr. Arani Bhattacharyya.

...for the State.

Petitioner submits no narcotics was recovered from his possession. He prays for bail.

Learned Advocate for the State opposes the bail prayer. He submits petitioner had absconded for a considerable period of time.

We have considered the materials on record. No narcotics was recovered from the petitioner. His complicity has transpired from the statement of co-accused before a police officer which is inadmissible in evidence.

Under such circumstances, we are of the opinion that the petitioner has been able to rebut the statutory restrictions under Section 37 of the N. D. P. S. Act and may be granted bail.

Accordingly, the petitioner viz., Ariful Srkar 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, Balurghat, Dakshin Dinajpur 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 and on further condition that the petitioner while on bail shall remain within the district of Dakshin Dinajpur except for the purpose of attending court proceeding and report to the Officer-in-charge, Kumarganj Police Station once in a week until further orders.

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.)