

10.05.2023.
15.
Ct.No.28.
as
(Allowed)

C.R.M. (NDPS) 939 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with NDPS Case No.25 of 2023 arising out of English Bazar P. S. Case No.254 of 2023 dated 22.02.2023 under Sections 21(c)/29 of the NDPS Act.

In the matter of : Barkat Sk. @ Fitu.

.... Petitioner.

Mr. Avinaba Patra.

...for the Petitioner.

Mr. Sanjib Kr. Dan.

...for the State.

Heard the learned Advocates for the parties.

We have considered the materials on record. No narcotics was recovered from the possession of 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 he may be granted bail.

Accordingly, the petitioner viz., Barkat Sk. @ Fitu 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, Malda 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.)