

11.05.2023
tkm/ct 28
sl no. 14

C.R.M. (NDPS) 953 of 2023

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Raiganj P.S case no. 950 of 2022 dated 25.7.2022 under sections 21(c) of the NDPS Act
and

Allowed

In Re : Sahajan Ali @ Sahajahan Ali petitioner

Mr. Arnab Chatterjee

Mr. K Mondal

Ms. P Basu

..... for the petitioner

Mr. Saibal Bapuli

Ms. Bibaswan Bhattacharya

..... for the State

Petitioner is in custody for 65 days. He submits no narcotics was recovered from his possession. Investigation is complete. He prays for bail.

Learned lawyer for the State opposes the bail prayer. He submits petitioner has criminal antecedents. Statements of witnesses and telephonic conversations show he had nexus with co-accused from whom narcotics was recovered.

We have considered the materials on record. Contents of telephonic conversations are not known and statements of witnesses are of general nature and do not relate to the transaction in question. Keeping in mind the scanty nature of evidence collected against the petitioner we are of the opinion prima facie appreciation of such material would make out a strong defence to rebut statutory restrictions under section 37 of the NDPS Act.

Under such circumstances, we are of the opinion petitioner has been able to rebut statutory restrictions under section 37 of

the NDPS Act and he is entitled to bail, however subject to conditions.

Accordingly, the petitioner 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 NDPS Act, Uttar Dinajpur on condition that the petitioner shall appear before the trial court on every date of hearing and shall not intimidate witnesses or tamper with evidence in any manner whatsoever and on further condition that while on bail, petitioner shall meet Officer-in-Charge, Raiganj P.S once in a week until further orders.

In the event he fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this court.

The application being CRM (NDPS) 953 of 2023 is disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)