

19.05.2023
Sl. No.12
akd
[ALLOWED]

C. R. M. (NDPS) 1027 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 15.05.2023 in connection with Patiram Police Station Case No.169 of 2022 dated 01.09.2022 under Sections 21(c)/22(c)/23(c)/27A of the NDPS Act.

And

In Re: ***Utpal Barman***

... .. Petitioner

Mr. Parthapratim Das
Mr. Arup Sarkar
Mr. Sourav Mukherjee

... .. for the petitioner

Mr. Saryati Datta

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about 78 days. It is further submitted no narcotics was recovered from his possession. Accordingly, he prays for 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. Statement of the villager relates to general character of the petitioner and does not refer to the transaction in question. Keeping in mind the aforesaid circumstance and as no recovery was made while the petitioner was in police custody, we are of the opinion he 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 ***Utpal Barman***, 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 & Sessions 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.)