

05.06.2023.
09.
Ct.No.28.
as
(Allowed)

C.R.M. (NDPS) 1037 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Balurghat P. S. Case No.502 of 2017 dated 03.12.2017 under Sections 21(C)/22(C)/25 of the NDPS Act and charge sheet submitted under Sections 21(C)/22(C)/23(C)/25/27A of the NDPS Act.

In the matter of : Sisir Ranjan Barman @ Sisir Ranjan.
.... Petitioner.

Mrs. Jeenia Rudra,
Ms. Megha Chanda.

...for the Petitioner.

Mr. Ranabir Roy Chowdhury,
Mr. Sandip Chakraborty.

...for the State.

Petitioner is in custody for 56 days. It is contended 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 protracted period of time.

We have considered the materials on record. No narcotics was recovered from the petitioner. Nothing is placed before us to show the godown wherefrom recovery was made is owned by the petitioner.

Keeping in mind the aforesaid 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, however, subject to strict conditions.

Accordingly, the petitioner viz., Sisir Ranjan Barman @ Sisir Ranjan 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-cum-Additional District & Sessions Judge, 3rd Court, 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, Balurghat 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.)