

06.06.2023

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Allowed

C.R.M. (NDPS) No. 1072 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Hasnabad Police Station Case No. 211 of 2022 dated 05.05.2022 under Sections 21(c)/29 of the N.D.P.S. Act.

And

In Re : Omar Farukh Sarder petitioner

Mr. Susnigdho Bhattacharyya

Ms. Bidisha Chakraborty

.....for the petitioner

Mr. Rudradipta Nandy, learned APP

Ms. Sonali Das

.....for the State

Liberty is granted to correct the cause title.

Learned Counsel for the petitioner submits he is in custody for 384 days. No narcotics was recovered from his possession. He prays for bail.

Learned Counsel appearing for the State opposes the prayer for bail.

We have considered the materials on record. No narcotic substance was recovered from the possession of the petitioner. He was arrested ten days after recovery of narcotics. During custody no incriminating material was recovered from him. Under such circumstances, we are of the opinion petitioner has been able to rebut the statutory restrictions under Section 37 of the NDPS Act and he may be granted bail.

Accordingly, we direct that the petitioner 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 NDPS Act, Barasat, North 24 Parganas, subject to conditions 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 he 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.

The application for bail is, accordingly, allowed.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)