

05.07.2023.
31.
Ct.No.28.
as
(Allowed)

C.R.M. (NDPS) 1095 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 Hili P. S. Case No.57 of 2023 dated 12.03.2023 under Sections 21(c)/22(c)/23(c)/27A of the NDPS Act.

In the matter of : Gopal Sarkar.

.... Petitioner.

Ms. Busra Khatun.

...for the Petitioner.

Mr. Antarikhya Basu.

...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. In view of the aforesaid fact and in view of period of detention suffered by the petitioner i.e. 113 days, we are inclined to grant bail to him.

Accordingly, the petitioner viz., Gopal Sarkar 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 N.D.P.S. Act, 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.

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.)