

05.07.2023.
32.
Ct.No.28.
as
(Allowed)

C.R.M. (NDPS) 1100 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with NDPS Case No.213 of 2022 arising out of Raninagar P. S. Case No.443 of 2022 dated 11.02.2022 under Sections 21(C)/29 of the NDPS Act.

In the matter of : Mustak @ Choto Mustak.

.... Petitioner.

Mr. Arnab Chatterjee,
Mr. Jissan Iqbal Hossain,
Ms. Poulami Bose,
Ms. Dhanasree Biswas,
Ms. Chandrima Debnath.

...for the Petitioner.

Mr. Swapan Banerjee,
Mr. Suman De.

...for the State.

Petitioner is in custody for two months. Investigation is complete. No narcotics was recovered from his possession. He prays for bail.

Learned Advocate for the State opposes the bail prayer.

We have considered the materials on record. Apart from CDRs showing communication between petitioner and co-accused from whom narcotics was recovered, there is no other legally admissible evidence implicating him in the crime. Contents of the communication are not known.

In view of scanty material on record, 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 enlarged on bail.

Accordingly, the petitioner viz., Mustak @ Choto Mustak 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, Murshidabad at Berhampore 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.)