

05.07.2023.
44.
Ct.No.28.
as
(Allowed)

C.R.M. (NDPS) 1119 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with NDPS Case No.77 of 2022 arising out of Bhagwangola P. S. Case No.188 of 2022 dated 25.03.2022 under Sections 21(c)/29 of the NDPS Act.

In the matter of : Saddam Sk. @ Sinarul Sk. @ Islam.
.... Petitioner.

Ms. Chandrima Debnath.
...for the Petitioner.

Mr. Madhusudan Sur, Id. A.P.P.,
Mr. Dipankar Pramanick.
...for the State.

It is submitted no narcotics was recovered from the possession of the petitioner. He prays for bail.

Learned Advocate for the State opposes the bail prayer. He submits petitioner has criminal antecedents.

We have considered the materials on record. No narcotics was recovered from 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 and may be enlarged on bail, however, subject to conditions.

Accordingly, the petitioner viz., Saddam Sk. @ Sinarul Sk. @ Islam 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 and on further condition that the petitioner while on bail shall remain within the jurisdiction of Bhagwangola Police Station except for attending court proceeding and report to the Officer-in-charge, Bhagwangola 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.)