

07.07.2023

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Allowed

C.R.M. (NDPS) No. 1220 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Gangarampur Police Station Case No. 304 of 2018 dated 26.10.2028 under Sections 21(c)/22(c)/23(c)/25/27A/28/29 of the N.D.P.S. Act.

And

In Re : Tushar Sarkar @ Hira petitioner

Mr. Kaushik Choudhury

.....for the petitioner

Mr. Madhusudan Sur, learned APP

Mr. Dipankar Paramanick

.....for the State

Learned Counsel for the petitioner submits he is in custody for 52 days. It is also submitted no narcotic substance was recovered from his possession. He prays for bail.

Learned Counsel for the State opposes the prayer for bail and submits that petitioner had absconded for five years.

We have considered the materials on record. Conduct of the petitioner is not appreciable. But no narcotic substance was recovered from his possession. No legally admissible evidence implicating him in the offence is also produced before this Court.

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 subject to conditions.

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 Special Judge (under NDPS Act), cum-ADJ, 3rd Court, Balurghat, Dakshin Dinajpur, 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 and on further conditions that while on bail he shall not leave the jurisdiction of Gangarampur Police Station until further orders and shall report to the Officer-in-Charge of the concerned police station once in a week until further orders.

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.)