

06.07.2023

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Allowed

C.R.M. (NDPS) No. 1221 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Hili Police Station Case No. 30 of 2023 dated 05.02.2023 under Sections 21(c)/22(c)/23(c)/27A of the N.D.P.S. Act.

And

In Re : Akbar Ali Dewan petitioner

Mr. Kaushik Choudhury

Ms. Busra Khatun

.....for the petitioner

Mr. Sudip Ghosh

Mr. Bitasok Banerjee

.....for the State

Heard the learned Counsel for the parties.

We have considered the materials on record. Petitioner is in custody for 117 days. No narcotic substance was recovered from the possession of the petitioner. His complicity is transpired from the statement of the co-accused before police officer which is inadmissible in evidence. 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 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.

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.)