

06.07.2023

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Allowed

C.R.M. (NDPS) No. 1222 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Krishnaganj Police Station Case No. 295 of 2022 dated 12.08.2022 under Sections 21(c) of the N.D.P.S. Act.

And

In Re : Sonatan Das @ Sona petitioner

Mrs. Karabi Roy

.....for the petitioner

Mr. Swapan Banerjee

Mr. Suman De

.....for the State

Learned Counsel for the petitioner submits no narcotic substance was recovered from the possession of the petitioner. He is in custody for 64 days. Co-accused has been enlarged on bail. He prays for bail.

Learned Counsel for the State opposes the prayer for bail.

We have considered the materials on record. No narcotic substance was recovered from the possession of the petitioner. Statement of local persons with regard to complicity of the petitioner is generic in nature and does not relate to the transaction in question. 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, NDPS Act, Krishnagar, Nadia, 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.)