

11.07.2023.
28.
Ct.No.28.
as
(Allowed)

C.R.M. (NDPS) 1242 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with NDPS Case No.34 of 2021 arising out of Kotwali P. S. Case No.501 of 2021 dated 29.08.2021 under Sections 21(c) of the NDPS Act.

In the matter of : Dhiman Ghorai.

.... Petitioner.

Mr. S. Das Mahapatra.

...for the Petitioner.

Mr. Ranadeb Sengupta.

...for the State.

Petitioner submits no narcotics was recovered from his possession. He prays for bail.

Learned Advocate for the State opposes the bail prayer. He submits petitioner has criminal antecedents. In another case narcotics above commercial quantity was recovered from his possession.

We have considered the materials on record. In the present, 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.

Accordingly, the petitioner viz., Dhiman Ghorai 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, Paschim Medinipur 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.

The present case, however, will not affect the other case where recovery of narcotics was recovered from the petitioner himself.

This application for bail is, thus, disposed of.

(Ajay Kumar Gupta,J.)

(Joymalya Bagchi, J.)