

11.07.2023.
34.
Ct.No.28.
as
(Allowed)

C.R.M. (NDPS) 1249 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Special Case No.15 of 2018 arising out of Gangarampur P. S. Case No.79 of 2018 dated 31.03.2018 under Sections 21(c)/22(c)/23(c)/27A/28/29 of the NDPS Act.

In the matter of : Shuvankar Bhowmik @ Subhankar
Bhowmick.

.... Petitioner.

Mr. Kaushik Choudhury.

...for the Petitioner.

Mr. Saryatai Datta.

...for the State.

Petitioner is in custody for about a month. No narcotics was recovered from his possession. He prays for bail.

Learned Advocate for the State opposes the bail prayer. He submits petitioner was declared as a proclaimed offender in 2022.

Though conduct of the petitioner is not appreciable, materials on record show no narcotics was recovered from his possession. 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., Shuvankar Bhowmik @ Subhankar Bhowmick 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, Balurghat, Dakshin Dinajpur 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 took place from the petitioner himself.

This application for bail is, thus, disposed of.

(Ajay Kumar Gupta,J.)

(Joymalya Bagchi, J.)