

22.08.2023.
06.
Ct.No.28.
as
(Allowed)

C.R.M. (NDPS) 1293 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with NDPS Case No.5 of 2023 arising out of Kandi P.S. Case No.762 of 2022 dated 30.12.2022 under Sections 21(C)/29 of the NDPS Act.

In the matter of : Anisur Rahaman.

.... Petitioner.

Mr. Arnab Chatterjee,
Ms. Dhanasree Biswas,
Ms. Paulami Bose.

...for the Petitioner.

Mr. Ranabir Roy Chowdhury,
Mr. Mainak Gupta.

...for the State.

1. Heard the learned Advocates for the parties.
2. Report is placed on record. Report shows a sale agreement had been executed between petitioner co-accused Selim Sk prior to the incident. Statements to the witnesses to the sale have endorsed such fact. But necessary forms for transfer of ownership had not been filed before the registering authority.
3. We have considered the report. The witnesses have confirmed the sale agreement between petitioner and co-accused Selim Sk. and the vehicle had been handed over and in control of co-accused at the time of occurrence.
4. In view of the aforesaid circumstance, we are of the opinion petitioner has made out a case to rebut statutory restrictions under Section 37 of the NDPS Act and may be enlarged on bail.

5. Accordingly, the petitioner viz., Anisur Rahaman 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 NDPS Act, Berhampore, Murshidabad 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.

6. 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.

7. This application for bail is, thus, disposed of.

(Rai Chattopadhyay, J.)

(Joymalya Bagchi, J.)