

31.07.2023.
09.
Ct.No.28.
as
(Allowed)

C.R.M. (NDPS) 1330 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with NDPS Case No.107 of 2022 arising out of English Bazar P. S. Case No.1240 of 2022 dated 05.08.2022 under Sections 21(C)/29 of the NDPS Act read with Section 27(a) of the Drugs and Cosmetics Act.

In the matter of : Ejajul Sekh @ Haijul Sk @ Heju.
.... Petitioner.

Mr. Avinaba Patra.

...for the Petitioner.

Mr. Ranadeb Sengupta.

...for the State.

Petitioner is in custody for 53 days. He submits no narcotics was recovered from his possession. He prays for bail.

Learned Advocate for the State opposes the bail prayer. He submits investigation is complete.

We have considered the materials on record. No narcotics was recovered from the possession of the petitioner. His complicity has transpired from the statement of co-accused before a police officer which is inadmissible in evidence. Though petitioner was taken into police custody, no incriminating material has been surfaced in the course of investigation.

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., Ejajul Sekh @ Haijul Sk @ Heju 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, Malda 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 and on further condition that the petitioner while on bail shall meet the Investigating Officer once in a week until further orders.

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.

This application for bail is, thus, disposed of.

(Gaurang Kanth,J.)

(Joymalya Bagchi, J.)