

10.08.2023
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allowed

CRM(NDPS) No. 1376 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Palashipara Police Station Case No. 170 of 2022 dated 08.05.2022 under Sections 21(c)/29 of the NDPS Act.

And
In Re : Kamarul Sk. @ Kamrul petitioner

Mr. Sumanta Das
....for the petitioner

Mr. Sanjoy Bardhan
Mr. Palash Chandra Majhi
.... for the State

Learned Counsel for the petitioner submits no narcotic substance was recovered from his possession. He has been falsely implicated. Investigation is complete. He prays for bail.

Learned Counsel for the State opposes the prayer for bail and submits petitioner is involved in dealing narcotics.

We have considered the materials on record. No narcotics was recovered from the possession of the petitioner. Apart from statement of co-accused before police officer which is inadmissible in evidence no material implicating the petitioner in the alleged offence is placed on record. 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 may be released on 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 Judge, Special Court under NDPS Act, Krishnagar, Nadia, subject to the conditions that petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to appear before the trial court without 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.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)