

17.08.2023
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allowed

CRM(NDPS) No. 1398 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Sainthia Police Station Case No. 20 of 2023 dated 26.01.2023 under Sections 20(b)(ii)(c)/25/29 of the NDPS Act.

And

In Re : Prabhat Konai @ Pravat Konai petitioner

Mr. Sanjib Kumar Dan

Mr. Saryati Datta

Mr. Chitrak Biswas

....for the petitioner

Mr. Ranabir Roy Chowdhury

Mr. Mainak Gupta

.... for the State

1.Learned Counsel for the petitioner submits he is in custody for 201 days. Investigation is complete. No narcotics was recovered from his possession. He prays for bail.

2.Learned Counsel for the State opposes the prayer for bail.

3.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 police officer is inadmissible in evidence. 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.

4.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,

1st Court, Suri, Birbhum, 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.

5. 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.

6. The application for bail is, accordingly, allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)