

26.09.2023
Sl. No.5
akd
[ALLOWED]

C. R. M. (NDPS) 1431 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 17.08.2023 in connection with Jalangi Police Station Case No.185 of 2023 dated 08.06.2023 under Sections 20(b)(ii)(c)/29 of the NDPS Act. (NDPS Case No. 73 of 2023)

And

In Re: **Sariful Sk. @ Sarif Sk.**

... .. Petitioner

Mr. Jisan Iqubal Hossain
Ms. Chandrima Debnath

... .. for the petitioner

Mr. Sudip Ghosh
Mr. Koushik Kundu

... .. for the State

1. Pursuant to our earlier direction, Investigating Officer is personally present before this court. His presence is noted and dispensed with.
2. It is submitted on behalf of the petitioner that no narcotics was recovered from his possession. Accordingly, he prays for bail.
3. Report is placed on record.
4. We have considered the materials on record. We find that no narcotic substance was recovered from the possession of the petitioner and his complicity has transpired from the statement of co-accused before a police officer which is inadmissible in evidence. In view of the scanty materials on record implicating the petitioner, we are of the opinion he has been able to rebut the statutory restrictions under Section 37 of the NDPS Act. Accordingly, we are of the opinion further detention of the accused/petitioner is not necessary.
5. Therefore, the accused/petitioner, namely **Sariful Sk. @ Sarif Sk.**, be released on bail upon furnishing bond of Rs.10,000/- (Rupees Ten thousand only), 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 the said petitioner 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 or commit similar offences in future.

6. In the event he fails to appear before the trial court without any justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this court.
7. The application for bail, thus, stands allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)