

22.09.2023

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Allowed

C.R.M. (NDPS) No. 1568 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Beldanga Police Station Case No. 563 of 2023 dated 23.07.2023 under Sections 20(b)(ii)(c)/29 of the NDPS Act.

And

In Re : Safikul Sk. @ Safikul Sekh petitioner

Mr. Arnab Chatterjee
Mr. Anisur Rahaman
Ms. Dhanasree Biswas
Ms. Poulami Bose

.....for the petitioner

Mr. Sanjoy Bardhan
Mr. Palash Chandra Majhi

....for the State

1. Learned Counsel for the petitioner submits he is in custody for 58 days. It is also submitted no recovery was made from the petitioner. He prays for bail.

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

3. We have considered the materials on record. No recovery was made from the possession of the petitioner. Statement of co-accused before police officer is inadmissible in law. Under such circumstances, petitioner appears to have rebutted the statutory restrictions under Section 37 of the NDPS Act and we are inclined to release him 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, Berhampore, Murshidabad, subject to 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.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)