

26.09.2023
Sl. No.16
akd
[ALLOWED]

C. R. M. (NDPS) 1586 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 20.09.2023 in connection with Gangarampur Police Station Case No.304 of 2018 dated 26.10.2018 under Sections 21(c)/22(c)/23(c)/25/27A/28/29 of the NDPS Act. (G.R. Case No.747 of 2018)

And

In Re: ***Nur Islam @ Alam @ Babu @ Budhu***
... .. Petitioner

Ms. Jeenia Rudra
Ms. Megha Chanda
... .. for the petitioner

Mr. Madhusudan Sur .. Id. Addl. Public Prosecutor
Mr. Manoranjan Mahata
... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for about 46 days. It is further submitted no narcotics was recovered from his possession. Co-accused has been enlarged on bail. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the prayer for bail and submits petitioner had absconded for a protracted period of time.
3. We have considered the materials on record. We find that no narcotic substance was recovered from the possession of the petitioner. No legally admissible evidence implicating his complicity in the crime is produced before this Court. Co-accused has been enlarged on bail. Under such circumstances, we are of the opinion petitioner has been able to rebut the statutory restrictions under Section 37 of the NDPS Act. In view of the aforesaid fact and the period of detention suffered by the petitioner, we are of the opinion further detention of the accused/petitioner is not necessary and he may be enlarged on bail however, subject to strict conditions.

1. Therefore, the accused/petitioner, namely **Nur Islam @ Alam @ Babu @ Budhu**, 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-cum-Additional District & Sessions Judge, 3rd Court, Balurghat, Dakshin Dinajpur 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 and on further condition that the petitioner, while on bail, shall not leave the jurisdiction of Gangarampur Police Station except for the purpose of attending court proceedings and shall report to the Officer-in-charge, Gangarampur Police Station once in a week until further orders.
4. 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.
5. The application for bail, thus, stands allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)