

04.10.2023

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Allowed

C.R.M. (NDPS) No. 1614 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Hogalberia Police Station Case No. 238 of 2022 dated 25.07.2022 under Section 21(c) of the NDPS Act.

And

In Re : Firoj Sekh @ Sk. petitioner

Md. Wasim Akram
.....for the petitioner

Mr. Saryati Datta
....for the State

1. Learned Counsel for the petitioner submits he is in custody for about two months. It is also submitted no narcotics was recovered from the custody of the petitioner. Investigation is complete. He prays for bail.

2. Learned Counsel for the State opposes the prayer for bail and submits petitioner absconded for a protracted period of time. Complicity of the petitioner has transpired from the CDRs collected during investigation which show frequent telephonic calls between the petitioner and co-accused from whom narcotics was recovered.

3. We have considered the materials on record. Investigation is complete. Contents of the conversation is unknown. In view of the scanty materials on record vis-à-vis involvement of the petitioner in the crime, we are of the opinion he has been rebutted statutory restrictions under Section 37 of the NDPS Act and may be enlarged 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, Nadia at Krishnagar, 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.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)