

18.10.2023
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allowed

CRM(NDPS) No. 1693 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Farakka Police Station Case No. 237 of 2023 dated 01.06.2023 under Sections 21(c)/29 of the NDPS Act.

And

In Re : Goutam Kumar @ Goutam Kumar Yadav @ Krishnand Yadav @
Krishnanand Yadav petitioner

Ms. Subhasree Patel

Ms. Saini Das

....for the petitioner

Mr. Saryati Datta

..... for the State

1. Learned Counsel for the petitioner submits he is in custody for 139 days. No narcotic substance was recovered from his possession. He has been falsely implicated. 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. Apart from statement of co-accused before police officer which is inadmissible in evidence no material implicating the petitioner in the alleged offence is placed on record. 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,

Berhampore, Murshidabad, 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.)