

29.11.2023.
05.
Ct.No.28.
as
(Allowed)

C.R.M. (NDPS) 1723 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection NDPS Case No.14 of 2023 arising out of Hili P.S. Case No.31 of 2023 dated 06.02.2023 under Sections 186/188/353/379/411/307 of the Indian Penal Code read with Sections 21(C)/22(C)/23(C)/27A of the NDPS Act.

In the matter of : **Rana Das @ Rana Sarkar @ Rana Das Sarkar.**

.... Petitioner.

Mr. Amanul Islam,
Mr. Sourav Mukherjee.

...for the Petitioner.

Mr. Ranabir Roy Chowdhury,
Mr. Mainak Gupta.

...for the State.

1. Petitioner is in custody for about 120 days. He contends no narcotics was recovered from his possession. Co-accused are on bail. He prays for bail.
2. Learned Advocate for the State opposes the bail prayer.
3. We have considered the materials on record. No narcotics was recovered from his possession. Though petitioner was in police custody, no incriminating material has surfaced against him.
4. In view of the aforesaid facts, we are of the opinion petitioner has been able to rebut the statutory restrictions under Section 37 of the N. D. P. S. Act and may be enlarged on bail.
5. Accordingly, the petitioner viz., **Rana Das @ Rana Sarkar @ Rana Das Sarkar** 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 the N.D.P.S. Act-cum-Additional District & Sessions Judge, 3rd Court, Balurghat, Dakshin Dinajpur subject to condition that he 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.

6. In the event the petitioner fails to appear before the Trial Court without any justifiable cause, the trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

7. This application for bail is, thus, disposed of.

(Gaurang Kanth,J.)

(Joymalya Bagchi, J.)