

22.11.2023
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allowed

CRM(NDPS) No. 1866 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Tehatta Police Station Case No. 203 of 2023 dated 14.03.2023 under Sections 21(c)/29 of the NDPS Act.

And

In Re : Tipu Sultan @ Tipu Sk. @ Tipu Biswas @ Md. Tipu Sultan petitioner

Mr. Tapodip Gupta

....for the petitioner

Mr. Saibal Bapuli, learned APP

Mr. Arani Bhattacharyya

..... for the State

1. Learned Counsel for the petitioner submits he is in custody for 99 days. It is also submitted no narcotic substance was recovered from his possession. Investigation is complete. He prays for bail.
2. Learned Counsel for the State opposes the prayer for bail and submits petitioner had telephonic communication with co-accused from whom narcotic substance was recovered.
- 3 We have considered the materials on record. Apart from CDRs showing telephonic conversation (contents whereof are unknown) there is no material to show petitioner is involved in trafficking of narcotic substance. In the light of scanty materials on record and as investigation is complete 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, Krishnagar, Nadia, 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 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.)