

23.11.2023
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allowed

CRM(NDPS) No. 1868 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Jhargram Police Station Case No. 62 of 2023 dated 06.03.2023 under Sections 20(b)(ii)(B)/29 of the NDPS Act.

And

In Re : Gostha Bihari Ghosh petitioner

Mr. Baidurya Ghosal

Mr. P. Sinha Roy

Ms. Aatreyee Dutta

....for the petitioner

Mr. Sudip Ghosh

Mr. Koushik Kundu

..... for the State

1. Learned Counsel for the petitioner submits he is in custody for 66 days. Investigation is complete. It is also submitted no narcotic substance was recovered from the possession of the petitioner. He prays for bail.
2. Learned Counsel for the State opposes the prayer for bail.
3. We have considered the materials on record. No narcotic substance was recovered from the possession of the petitioner. His complicity has transpired from the statement of the co-accused before police officer which is inadmissible in evidence. 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, Jhargram, Paschim Medinipur, 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.)