

29.11.2023.
11.
Ct.No.28.
as
(Allowed)

C.R.M. (NDPS) 1886 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with NDPS Case No.26 of 2023 arising out of Gangarampur P.S. Case No.100 of 2023 dated 15.03.2023 under Sections 21(c)/22(c)/23(c)/27A/28/29 of the NDPS Act.

In the matter of : **Habibur Rahaman @ Habu.**

.... Petitioner.

Mr. Kaushik Choudhury,
Ms. Bushra Khahtun.

...for the Petitioner.

Mr. Imran Ali,
Ms. Pritha Paul.

...for the State.

1. Petitioner is in custody for about 110 days. No narcotics was recovered from his possession. Investigation is complete. 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. His complicity has transpired from the statement of co-accused which is inadmissible in evidence.
4. Under such circumstances, we are of the opinion petitioner has been able to rebut statutory restrictions under Section 37 of the N. D. P. S. Act and may be enlarged on bail.
5. Accordingly, the petitioner viz., **Habibur Rahaman @ Habu** 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, Dakshin Dinajpur at

Balurghat 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.)