

18.12.2023

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Allowed

C.R.M. (NDPS) No. 1903 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Gazole Police Station Case No. 765 of 2023 dated 30.09.2023 under Sections 21(c)/25/27A/29 of the N.D.P.S. Act.

And

In Re : Bhim Mandal petitioner

Mr. Amitabha Karmakar

Mr. Arup Kumar Bhowmick

.....for the petitioner

Mr. Debasish Roy, learned PP

Mr. Navanil De

.....for the State

1. Report filed in Court be placed on record.

2. Learned Counsel for the petitioner submits he is in custody for 76 days. No narcotic substance was recovered from his possession. He prays for bail.

3. Learned Counsel for the State opposes the prayer for bail and submits there was telephonic conversation between the petitioner and co-accused.

4. We have considered the materials on record. Two months prior to the incident there was a telephonic conversation between the petitioner and co-accused. Contents of the conversation is not known. In view of the scanty materials on record 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.

5. 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, Malda, subject to condition that petitioner 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 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. The application for bail is, accordingly, allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)