

18.12.2023

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Allowed

C.R.M. (NDPS) No. 1922 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Hili Police Station Case No. 187 of 2022 dated 14.08.2022 under Sections 21(c)/22(c)/23(c)/27A of the N.D.P.S. Act.

And

In Re : Sanjay Dai petitioner

Mr. Kaushik Chaudhury

Ms. Busra Khatun

.....for the petitioner

Mr. Soumik Ganguli

.....for the State

1. Learned Counsel for the petitioner submits he is in custody for 90 days. Investigation is complete. No narcotics was recovered from his possession.

2. Learned Counsel for the State opposes the prayer for bail and submits CDRs between the petitioner and co-accused collected during investigation show telephonic conversation between them. Further investigation is in progress.

3. We have considered the materials on record. No narcotics was recovered from the possession of the petitioner. Though telephonic conversation between the petitioner and co-accused are evident from CDRs, contents of such conversation are not known. Keeping in mind the scanty nature of evidence 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 enlarged 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, Balurghat, Dakshin Dinajpur, 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.

5. 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.

6. The application for bail is, accordingly, allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)