

19.12.2023.
35.
Ct.No.28.
as
(Allowed)

C.R.M. (NDPS) 1979 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with NDPS Case No.05 of 2022 arising out of Hogalberia P.S. Case No.17 of 2023 dated 24.01.2023 under Sections 20(b)/22/23/29 of the NDPS Act and Section 14 of the Foreigners Act.

In the matter of : **Akbar Biswas.**

.... Petitioner.

Mr. Sumanta Das.

...for the Petitioner.

Mr. Debasish Ray, Id. P.P.,

Ms. Sreyashee Biswas.

...for the State.

1. Petitioner is in custody for 92 days. No narcotics was recovered. He has been falsely implicated.
2. Learned Advocate for State opposes the bail prayer. He submits petitioner has criminal antecedents.
3. We have considered the materials on record. No narcotics was recovered. His complicity has transpired from the statement of co-accused before a police officer which is inadmissible in evidence.
4. Hence, 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.
5. Accordingly, the petitioner viz., **Akbar Biswas** shall be released on bail upon furnishing a bond of Rs.10,000/- with two sureties of like amount each, two of whom must be local, to the satisfaction of the learned Judge, Special Court under the NDPS Act, Krishnanagar at Nadia subject to condition

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 and on further condition petitioner while on bail shall meet the Officer-in-charge, Hogalberia Police Station once in a week until further orders.

6. In the event the petitioners fail to appear before the Trial Court without any justifiable cause, the trial Court shall be at liberty to cancel their 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.)