

31.01.2023.
01.
Ct.No.28.
as
(Allowed)

C.R.M. (NDPS) 1544 of 2022

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 Pandua P. S. Case No.58 of 2022 dated 05.02.2022 under Sections 20(b)(ii)(c) of the NDPS Act.

In the matter of : Md. Jahangir.

.... Petitioner.

Mr. Sekhar Kr. Basu, Id. Sr. Adv.,
Mr. Antarikhya Basu,
Ms. Madhumita Basak,
Mr. Sayan Mukherjee.

...for the Petitioner.

Mr. Sanjoy Bardhan,
Mr. Palash Ch. Majhi.

...for the State.

Heard the learned Advocates for the parties.

Medical report is placed on record. From the medical report it appears that the petitioner is 100% visually impaired and also suffers from 85% locomotor disability on the right hand. It is alleged petitioner was driving a bicycle and carrying narcotics.

Credibility of the aforesaid allegation requires to be seen in the light of the disabilities of the petitioner. The aforesaid materials had not been placed for consideration during the hearing of the earlier bail application.

In view of the additional materials which materially impacts the credibility of the accusation, we are of the opinion petitioner has been able to rebut the statutory restrictions

under Section 37 of the NDPS Act and he may be enlarged on bail.

Accordingly, the petitioner viz., Md. Jahangir 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 N.D.P.S. Act, Hooghly 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.

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.

This application for bail is, thus, disposed of.

(Ajay Kumar Gupta,J.)

(Joymalya Bagchi, J.)