

20.12.2023
Sl. No.25
akd
[ALLOWED]

C. R. M. (NDPS) 2021 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 06.12.2023 in connection with Tapan Police Station Case No.604 of 2023 dated 08.10.2023 under Sections 21(c)/22(c)/23(c)27A of the NDPS Act. (NDPS Case No.74 of 2023)

And

In Re: ***Sudip Oraw @ Urao***

... .. Petitioner

Mr. Kaushik Chowdhury
Ms. Busra Khatoon

... .. for the petitioner

Mr. Ranadeb Sengupta

... .. for the State

1. It is submitted on behalf of the petitioner that no narcotics was recovered from his possession. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the prayer for bail and submits BSF personnel suspected petitioner was present at the site. There were telephonic conversations between the petitioner and co-accused from whom narcotics was recovered.
3. We have considered the materials on record. No narcotics was recovered from the possession of the petitioner. Statements of BSF personnel are vague and inconclusive. Though Call Detail Records (CDRs) show telephonic conversations between the petitioner and co-accused from whom narcotics was recovered, contents of the conversation are unknown. 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. In view of the aforesaid fact, we are of the opinion further detention of the accused/petitioner is not necessary.

4. Therefore, the accused/petitioner, namely ***Sudip Oraw @ Urao***, be released on bail upon furnishing bond of Rs.10,000/- (Rupees Ten thousand only), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Judge, Special Court under the NDPS Act-cum-Additional District Judge, 3rd Court, Dakshin Dinajpur at Balurghat subject to condition that the said 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 or commit similar offences in future.
5. In the event he fails to appear before the trial court without any justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this court.
6. The application for bail, thus, stands allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)