

21.12.2023
tkm/ct 28
sl no. 26

C.R.M. (NDPS) 2042 of 2023

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Hili P.S case no. 30 of 2023 dated 5.2.2023 under sections 21(c)/22(c)/23(c)/27A of the NDPS Act
and

Allowed

In Re : Swapan Das petitioner

Mr. Kaushik Choudhury
..... for the petitioner
Mr. Debasish Roy
Mr. Navanil De
..... for the State

1. Petitioner is in custody for 68 days. It is submitted no narcotics was recovered from his possession. Co-accused has been enlarged on bail. He prays for bail.
2. Learned lawyer for the State opposes the bail.
3. We have considered the materials on record. No narcotics was recovered from the petitioner. His complicity has transpired from the statement of co-accused before a police officer which is inadmissible in evidence.
4. Under such circumstances, 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 granted bail.
5. Accordingly, the petitioner 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 CJM, Dakshin Dinajpur on condition that the petitioner shall appear before the trial court on every date of hearing and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

6. In the event he fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this court.
7. The application being CRM (NDPS) 2042 of 2023 is disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)