

08.12.2023

9

sdas

Allowed

IN THE HIGH COURT AT CALCUTTA
Circuit Bench at Jalpaiguri

C.R.M. (NDPS) No. 856 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Jaigaon Police Station Case No. 211 of 2023 dated 28.08.2023 under Sections 22(c)/25/29 of the NDPS Act.

And

In Re : Mansur Ali Khan petitioner

Mr. Madhushri Dutta
.....for the petitioner

Mr. Abhijit Sarkar
Mr. Tapan Bhattacharjee
.....for the State

1. Learned Counsel for the petitioner submits he is in custody for 20 days. He prays for bail.

2. Learned Counsel appearing for the State opposes the prayer for bail and submits he is named in the FIR.

3. We have considered the materials on record. Complicity of the petitioner has transpired from the statement of the co-accused from whom narcotics was recovered before a police officer which is inadmissible in evidence. Keeping in mind the aforesaid fact we are of the opinion petitioner has been able to rebut statutory restrictions under Section 37 of the NDPS Act and he may be enlarged on bail subject to condition.

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, 1st court, Jalpaiguri, subject to condition that the petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever and on further condition that petitioner shall meet the investigating officer once in a week until further orders.

5. In the event the petitioner fails to appear before the trial court without 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.

(Apurba Sinha Ray, J.)

(Joymalya Bagchi, J.)