

10.01.2024

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Allowed

C.R.M. (NDPS) No. 36 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Rejinagar Police Station Case No. 334 of 2023 dated 28.10.2023 under Sections 21(c)/29 of the N.D.P.S. Act.

And

In Re : Tahidul Sk. @ Tohidul Islam @ Sk. petitioner

Mr. Arnab Chatterjee

Mr. Anisur Rahaman

.....for the petitioner

Mr. Angshuman Chakraborty

.....for the State

1. Learned Counsel for the petitioner submits he is in custody for 71 days. It is also submitted that he has been falsely implicated in the case. No narcotics was recovered from his possession. He prays for bail.

2. Learned Counsel for the State opposes the prayer for bail.

3. We have considered the materials on record. No narcotics was recovered from the possession of the petitioner. Though petitioner was in police custody, no incriminating material has surfaced against him. Apart from CDRs showing telephonic conversations between the petitioner and co-accused no other legally admissible evidence showing involvement of the petitioner in dealing in narcotics is placed on record. In view of scanty nature of evidence on record 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.

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-cum-learned Additional District Judge, 5th Court, Berhampore, Murshidabad, subject to condition that 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.

5. In the event 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.

6. The application for bail is, accordingly, allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)