

15.01.2024.
26.
Ct.No.28.
as
(Allowed)

C.R.M. (NDPS) 87 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with NDPS Case No.28 of 2022 arising out of Entally P.S. Case No.102 of 2022 dated 11.04.2022 under Sections 21(c)/29 of the NDPS Act.

In the matter of : **Aftabuddin Sk @ Ajibul.**

.... Petitioner.

Mr. Joy Chakraborty,
Mr. Sandip Dinda.

...for the Petitioner.

Mr. Bidyut Kr. Roy,
Mr. Antarikhya Basu.

...for the State.

1. Petitioner is in custody for one year and eight months. He submits no narcotics was recovered from his possession. Co-accused viz., Sahnwas Shaikh has been enlarged on bail by the Hon'ble Apex Court. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the bail prayer. He contends petitioner was involved in dealing in narcotics.
3. We have considered the materials on record. Complicity of the petitioner had transpired from the statement of co-accused before a police officer which is inadmissible in evidence. No recovery was made from the petitioner.
4. In view of the fact that recovery of narcotics from co-accused viz., Sahnwas Shaikh was of intermediate quantity, he has been enlarged on bail.
5. Keeping in mind the aforesaid facts, we are of the opinion petitioner has been able to rebut statutory restrictions under Section 37 of the N. D. P. S. Act and may be enlarged on bail.

6. Accordingly, the petitioner viz., **Aftabuddin Sk @ Ajibul** 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 Chief Judicial Magistrate, Alipore, South 24-Paraganas 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.

7. 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.

8. This application for bail is, thus, disposed of.

(Partha Sarathi Sen,J.)

(Joymalya Bagchi, J.)