

22.01.2024.
09.
Ct.No.28.
as
(Allowed)

C.R.M. (NDPS) 141 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with NDPS Case No.41 of 2023 arising out of Balurghat P.S. Case No.390 of 2023 dated 15.05.2023 under Sections 21(C)/22(C)/23(C)/ 25 /27A/28/29 of the NDPS Act.

In the matter of : **Ramen Debnath @ Devnath.**

.... Petitioner.

Mr. Arnab Chatterjee,
Ms. Dhanasree Biswas,
Ms. Poulami Bose.

...for the Petitioner.

Mr. Suman De.

...for the State.

1. Petitioner submits he is in custody for 120 days. Investigation is complete. No narcotics was recovered from his possession. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the bail prayer. He contends petitioner fled away from the spot. There are telephonic conversations between petitioner and co-accused from whom narcotics above commercial quantity was recovered.
3. We have considered the materials on record. 344 bottles of M. K. Dyl and 156 bottles of Fairdyl cough syrups containing codeine phosphate were recovered from a auto rickshaw. Involvement of the petitioner transpired from a co-accused who was arrested from the spot. Such statement is inadmissible in evidence. Prosecution has also relied on telephonic conversations between petitioner and co-accused, contents whereof are unknown.

4. In view of scanty materials on record, 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.

5. Accordingly, the petitioner viz., **Ramen Debnath @ Devnath** 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 the N.D.P.S. Act, Balurghat, Dakshin Dinajpur 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.

6. 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.

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

(Ajay Kumar Gupta,J.)

(Joymalya Bagchi, J.)