

25.01.2024

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Allowed

C.R.M.(NDPS) No. 162 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Gangarampur Police Station Case No. 518 of 2021 dated 06.12.2021 under Sections 22(c)/29 of the NDPS Act read with Section 27A of the Drugs and Cosmetics Act.

And

In Re : Raju @ Raja Mondal petitioner

Mr. Kazi Safiullah

... for the petitioner

Mr. Iqbal Kabir

... for the State

1. Learned Counsel for the petitioner submits he is in custody for 196 days. It is also submitted no narcotics was recovered from the possession of the petitioner. He prays for bail.

2. Learned Counsel for the State opposes the prayer for bail and submits petitioner had absconded for three years. He had supplied narcotics to co-accused from whom 98 bottles of Phensedyl Syrup were recovered.

3. We have considered the materials on record. No narcotics was recovered from the petitioner. His complicity has transpired from the statement of the co-accused before police officer which is inadmissible in evidence. Accordingly, 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 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-Additional District Judge, 3rd Court, Balurghat, Dakshin Dinajpur, subject to conditions 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.

5. In the event he 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.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)