

05.02.2024.
03.
Ct.No.28.
as
(Allowed)

C.R.M. (NDPS) 170 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with NDPS Case No.84 of 2023 arising out of Jalangi P.S. Case No.235 of 2023 dated 31.07.2023 under Sections 21(C)/29 of the NDPS Act.

In the matter of : **Nur Alam Sarkar @ Dakul.**

.... Petitioner.

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

...for the Petitioner.

Mr. Debasish Roy, Id. P.P.,
Ms. Sreyashee Biswas.

...for the State.

1. Report is placed on record.
2. Petitioner contends no narcotics was recovered from his possession. He is in custody for 83 days. He is acquitted in the case which was registered against him earlier. Accordingly, he prays for bail.
3. Learned Advocate for the State opposes the bail prayer.
4. We have considered the Case Diary as well as the report. No narcotics was recovered from the petitioner. His complicity has transferred from statement of co-accused before police officer which is inadmissible in evidence. Petitioner contends he has been acquitted in the criminal case which was registered against him earlier.
5. Under such circumstances, we are of the opinion he 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., **Nur Alam Sarkar @ Dakul** 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, Berhampore, Murshidabad 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 or commit similar offences in future.

7. 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.

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

(Ajay Kumar Gupta,J.)

(Joymalya Bagchi, J.)