

01.02.2024
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Allowed

C.R.M.(NDPS) No. 203 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Balurghat Police Station Case No. 524 of 2019 dated 21.10.2019 under Sections 20(B)/27A of the NDPS Act.

And

In Re : Sanjit Barman @ Patal Barman petitioner

Mr. Kaushik Choudhury

Mr. Abhishek Kabir

... for the petitioner

Mr. Sanjib Kumar Dan

... for the State

1. Learned Counsel for the petitioner submits he is in custody for about two months. It is also submitted no narcotics was recovered from the possession of the petitioner. Investigation is complete. He prays for bail.

2. Learned Counsel for the State opposes the prayer for bail and submits petitioner had absconded since 2019.

3. We have considered the materials on record. No narcotics was recovered from the petitioner. His complicity has transpired from 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-learned 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.)