

02.02.2024

9

sdas

Allowed

C.R.M.(NDPS) No. 197 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Hili Police Station Case No. 149 of 2023 dated 23.08.2023 under Sections 21(c)/22(c)/23(c)/27A of the NDPS Act.

And

In Re : Kartick Sarkar @ Bangla petitioner

Mr. Kaushik Choudhury

Ms. Busra Khatun

... for the petitioner

Ms. Subhasree Patel

... for the State

1. Heard the learned Counsels for the parties.

2. We have considered the materials on record. No narcotics was recovered from the petitioner. His complicity has transpired from CDRs collected during investigation which shows telephonic conversations between the petitioner and co-accused from whom narcotics above commercial quantity i.e. 1625 nos. Buprenorphine Injections were recovered. Contents of the conversation are not known. No other material for example money trail corroborating telephonic exchanges has been placed on record. In view of scanty materials on record 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.

3. 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.

4. 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.

5. The application for bail is, accordingly, allowed.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)