

02.02.2024

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Allowed

C.R.M.(NDPS) No. 213 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Raninagar Police Station Case No. 443 of 2022 dated 11.10.2022 under Sections 21(c)/29 of the NDPS Act.

And

In Re : Rana Sk. @ Md. Rana Sk. @ Sheikh petitioner

Md. Golam Nure Imrohi

... for the petitioner

Mr. Iqbal Kabir

... for the State

1. Learned Counsel for the petitioner submits no narcotics was recovered from his possession. His complicity has transpired from the statement of co-accused before police. He prays for bail.

2. Learned Counsel for the State opposes the prayer for bail and submits date has been fixed for examination of witnesses.

3. We have considered the materials on record. No narcotics was recovered from the petitioner. His complicity has transpired from the statement of co-accused before police officer which is inadmissible in evidence. In view of the aforesaid 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, 2nd Court, Berhampore, Murshidabad, 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.)