

08.02.2024
Sl. No.17
akd
[ALLOWED]

C. R. M. (NDPS) 264 of 2024

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 31.01.2024 in connection with Hingalganj Police Station Case No.19 of 2022 dated 06.02.2022 under Sections 20(b)/29 of the NDPS Act and Section 14 of the Foreigners Act.

And

In Re: ***Mujibar Tarafder @ Mujibar Rahaman Tarafder***
... .. Petitioner

Mr. Kallol Kumar Basu
Md. Jannat-ul-Firdous
... .. for the petitioner

Mr. Binay Kumar Panda
Mr. Subham Bhakat
... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for about 57 days. It is further submitted no narcotics was recovered from his possession. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the prayer for bail and submits petitioner was dealing in narcotics with Bangladeshi nationals. They were arrested with narcotics i.e. 6.2 kgs. of *Ganja*.
3. We have considered the materials on record. We find that no narcotic substance was recovered from the possession of the petitioner and his complicity has transpired from the statement of co-accused before a police officer which is inadmissible in evidence. Under such circumstances and in view of the period of detention suffered by the petitioner, we are of the opinion further detention of the accused/petitioner is not necessary.
4. Therefore, the accused/petitioner, namely ***Mujibar Tarafder @ Mujibar Rahaman Tarafder***, be released on bail upon furnishing bond of Rs.10,000/- (Rupees Ten thousand only), with two sureties of like amount each, one of whom must be local, to the satisfaction

of the learned Judge, Special Court under the NDPS Act-cum-Additional Sessions Judge, 6th Court, Barasat, North 24-Parganas subject to condition that the said petitioner 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.

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 automatically without reference to this court.
6. The application for bail, thus, stands allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)