

19.02.2024
Sl. No.14
akd
[ALLOWED]

C. R. M. (NDPS) 270 of 2024

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 02.02.2024 in connection with Bhimpur Police Station Case No.340 of 2023 dated 04.01.2023 under Sections 21(c)/29 of the NDPS Act. (NDPS Case No.63 of 2023)

And

In Re: ***Baitul Khan***

... .. Petitioner

Mr. Debarshi Brahma

... .. for the petitioner

Mr. Ranabir Roy Chowdhury

Mr. Ashok Das

Mr. Shashanka Shekhar Saha

... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for about 60 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 has criminal antecedents. He was shown arrested in the present case.
3. We have considered the materials on record. Petitioner was in custody in a case of murder. While in custody he was shown arrested in the present case. No narcotic substance was recovered from him. Apart from statement of co-accused before police officer which is inadmissible in evidence, no legally admissible evidence showing involvement of the petitioner in dealing in narcotics is placed before us. We are also informed petitioner has been released on bail in the other case. Under such circumstances, we are of the opinion he has been able to rebut the statutory restrictions under Section 37 of the NDPS Act and may be released on bail.

4. Therefore, the accused/petitioner, namely ***Baitul Khan***, 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, Krighnagar, Nadia 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.)