

C. R. M. (NDPS) 360 of 2024

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 13.02.2024 in connection with Dhubulia Police Station Case No.636 of 2023 dated 11.12.2023 under Section 20(b)(ii)(c) of the NDPS Act. (NDPS Case No.88 of 2023)

And

In Re: **Amit Swarnakar**

... .. Petitioner

Mr. Arindam Jana
Mr. Sumanta Das
Mr. Arhan Sengupta
Mr. Partha Pratim Sinha
Ms. Atreyee Halder

... .. for the petitioner

Mr. Jaydeep Biswas

... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for about 77 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.
3. In reply, petitioner contends no recovery of narcotics was made in the earlier cases also. He has been falsely implicated in all these cases.
4. We have considered the materials on record. We find that no narcotic substance was recovered from the possession of the petitioner. His complicity has transpired on the basis of Call Detail Records (CDRs) showing telephonic communications (*contents whereof are unknown*) between the petitioner and co-accused from whom narcotics was recovered. Hence, implication of the petitioner in the present case is based on scanty evidence and he has been able to rebut the statutory restrictions under Section 37 of the NDPS

Act. In other cases (*two of whom relates to narcotics*) no narcotics was recovered from the petitioner. In view of the aforesaid facts and the period of detention suffered by the petitioner, we are of the opinion further detention of the accused/petitioner is not necessary.

5. Therefore, the accused/petitioner, namely **Amit Swarnakar**, 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, Krishnagar, 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.
6. 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.
7. The application for bail, thus, stands allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)