

01.03.2024.
22.
Ct.No.28.
as
(Allowed)

C.R.M. (NDPS) 399 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Special Case No.98 of 2022 arising out of Hili P.S. Case No.274 of 2022 dated 01.12.2022 under Sections 20(b)(ii)/21(c)/22(c)/23(c)/27A of the NDPS Act.

In the matter of : **Akherul Fakir.**

.... Petitioner.

Mr. Kaushik Choudhury,
Ms. Busra Khatun.

...for the Petitioner.

Mr. S. S. Imam,
Mrs. Sonali Bhar.

...for the State.

1. Heard the learned Advocates for the parties.
2. We have considered the materials on record. No narcotics was recovered from petitioner. It is alleged he has criminal antecedents. However, petitioner is in custody for 134 days. No incriminating material implicating the petitioner has come to light.
3. Under such circumstances, we are of the opinion petitioner has been able to rebut statutory restrictions under Section 37 of the N. D. P. S. Act and may be enlarged on bail.
4. Accordingly, the petitioner viz., **Akherul Fakir** 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 the N.D.P.S. Act-cum ADJ, 3rd Court, Balurghat, Dakshin Dinajpur subject to condition 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 or commit similar offences in future.

5. In the event petitioner 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. This application for bail is, thus, disposed of.

(Gaurang Kanth,J.)

(Joymalya Bagchi, J.)