

05.03.2024.
30.
Ct.No.28.
as
(Allowed)

C.R.M. (NDPS) 434 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with NDPS Case No.96 of 2023 arising out of Balurghat P.S. Case No.996 of 2023 dated 11.12.2023 under Sections 21(c)/22(c)/23(c)/27A/2829 of the NDPS Act.

In the matter of : **Rejaul Sarkar.**

.... Petitioner.

Mr. Kaushik Chowdhury,
Ms. Busra Khatun.

...for the Petitioner.

Md. Anwar Hossain,
Sk. Arif Hossain.

...for the State.

1. Petitioner is in custody for 63 days. No narcotics was recovered from him. Accordingly, he prays for bail.
2. Learned advocate for the State opposes the bail prayer. He submits petitioner has criminal antecedents. CDRs show telephonic conversation between petitioner and co-accused from whom narcotics was recovered.
3. We have considered the materials on record. No narcotics was recovered from petitioner. Though prosecution relies on CDRs showing telephonic conversation between petitioner and co-accused, contents of such conversation are not known.
4. In view of scanty materials on record, 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.
5. Accordingly, the petitioner viz., **Rejaul Sarkar** 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, at Dakshin Dinajpur at Balurghat 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.

6. 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.

7. This application for bail is, thus, disposed of.

(Ajay Kumar Gupta,J.)

(Joymalya Bagchi, J.)