

14.03.2024
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allowed

CRM(NDPS) No. 496 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Jalangi Police Station Case No. 30 of 2022 dated 24.01.2022 under Sections 21(c)/29 of the NDPS Act and Section 25(1)(a) of the Arms Act.

And

In Re : Sagir Sk. @ Sagir Ansari petitioner

Mr. Jisan Hossain
Ms. Chandrima Debnath
Mr. Snehasish Ghosh

....for the petitioner

Mr. S. S. Imam
Ms. Ayantika Ray

.... for the State

1. Learned Counsel for the petitioner submits he is in custody for 51 days. No narcotics was recovered from his possession. He has been falsely implicated in the case. He prays for bail.

2. Learned Counsel for the State opposes the prayer for bail and submits petitioner is a supplier of narcotics and arms. He is a resident of a different State.

3. We have considered the materials on record. No narcotics was recovered from the petitioner. His complicity has transpired from the statement of co-accused before police officer which is inadmissible in evidence. Under such circumstances, we are of the opinion petitioner has been able to rebut the statutory restrictions under Section 37 of the NDPS Act and he may be enlarged on bail.

4. Accordingly, we direct that the petitioner 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 NDPS Act-Berhampore, Murshidabad, on further condition that petitioner while on bail shall remain within the district of Murshidabad and shall provide address where he shall presently reside to the investigating officer and learned court below and shall report to the Officer-in-Charge, Jalangi Police Station once in a week until further orders. 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.

5. In the event the petitioner fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

6. The application for bail is, accordingly, allowed.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)