

15.03.2024
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allowed

CRM(NDPS) No. 509 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Balurghat Police Station Case No. 340 of 2023 dated 29.04.2023 under Sections 21(c)/22(c)/23(c)/27A/28/29 of the NDPS Act.

And

In Re : Omnath Barman @ Ramanath Sarkar petitioner

Mr. Koushik Choudhury
Ms. Busra Khatun

....for the petitioner

Mr. Apurba Kumar Datta

.... for the State

1. Learned Counsel for the petitioner submits he is in custody for 68 days. No narcotics was recovered from his possession. Co-accused are on anticipatory bail. He prays for bail.

2. Learned Counsel for the State opposes the prayer for bail.

3. We have considered the materials on record. No narcotics was recovered from the petitioner. Co-accused, similarly circumstanced with the petitioner are on anticipatory bail. 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-

cum-Additional District and Sessions Judge, 3rd Court, Balurghat, Dakshin Dinajpur, subject to condition that 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.)