

01.04.2024
Sl. No.11
akd
[ALLOWED]

C. R. M. (NDPS) 551 of 2024

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 08.03.2024 in connection with Hili Police Station Case No.30 of 2023 dated 05.02.2023 under Sections 21(c)/22(c)/23(c)/27A of the NDPS Act. (NDPS Case No.12 of 2023)

And

In Re: **Akhirul Fakir @ Akherul Fakir**

... .. Petitioner

Mr. Kaushik Choudhury

... .. for the petitioner

Mrs. Sonali Das
Ms. Purnima Ghosh

... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for about 170 days. It is further submitted no narcotics was recovered from his possession. Co-accused have been enlarged on bail. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the prayer for bail and submits petitioner has criminal antecedents.
3. We have considered the materials on record. No narcotics was recovered from the possession of the petitioner. His complicity has transpired from the statement of co-accused before a police officer which is inadmissible in evidence. Co-accused have been enlarged on bail. Hence, we are of the opinion petitioner has been able to rebut the statutory restrictions under Section 37 of the NDPS Act and may be released on bail.
4. Therefore, the accused/petitioner, namely **Akhirul Fakir @ Akherul Fakir**, 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-cum-Additional District Judge, 3rd Court, Balurghat, Dakshin Dinajpur 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.

5. 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.
6. The application for bail, thus, stands allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)