

02.04.2024.
19.
Ct.No.28.
as
(Allowed)

C.R.M. (NDPS) 574 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with NDPS Case No.229 of 2022 arising out of Jalangi P. S. Case No.364 of 2022 dated 22.11.2022 under Sections 20(b)(ii)(c)/29 of the NDPS Act and charge sheet submitted under Sections 20(b)(ii)(c)/29 of the NDPS Act

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

.... Petitioner.

Ms. Shabana Hasin,
Ms. Samima Akter Banu
Ms. Neha Roy.

...for the Petitioner.

Mr. Bibaswan Bhattacharya,
Mr. Karan Bapuli.

...for the State.

1. Petitioner contends no narcotics was recovered from his possession. Co-accused is on bail. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the bail prayer. He submits there were telephonic conversations between petitioner and co-accused from whom narcotics was recovered.
3. We have considered the materials on record. Petitioner stands on the same footing with Sofi Sk. @ Safiruddin Mondal @ Chapiruddin Mondal who has been enlarged on bail.
4. Under such circumstances, we are inclined to grant bail to the petitioner.
5. Accordingly, the petitioner viz., **Tapan 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, Berhampore, Murshidabad 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.

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.

(Gaurang Kanth,J.)

(Joymalya Bagchi, J.)