

03.04.2024.
16.
Ct.No.28.
as
(Allowed)

C.R.M. (NDPS) 585 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with NDPS Case No.110 of 2021 arising out of Sagarpara P. S. Case No.112 of 2021 dated 16.06.2021 under Sections 21(c)/29 of the NDPS Act.

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

.... Petitioner.

Mr. Tapodip Gupta.

...for the Petitioner.

Mr. Soumik Ganguly,
Ms. Rajashree Tah.

...for the State.

1. Petitioner is in custody for 78 days. He submits no narcotics was recovered from his possession. Co-accused from whom narcotics was recovered has been acquitted. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the bail prayer. He contends petitioner had absconded and was declared as a proclaimed offender.
3. We have considered the materials on record. It is true conduct of the petitioner is not appreciable. He had absconded and was declared as proclaimed offender. But no narcotics was recovered from his possession. His complicity is based on statement of co-accused before police officer who has been acquitted in the case.
5. Under such circumstances, no worthwhile purpose would be served in continuing the detention of the petitioner. Hence, he may be released on bail.

6. Accordingly, the petitioner viz **Asim 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 or commit similar offences in future.

7. 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.

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

(Gaurang Kanth,J.)

(Joymalya Bagchi, J.)