

03.04.2024.
08.
Ct.No.28.
as
(Allowed)

C.R.M. (NDPS) 577 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Kaliachak P.S. Case No.521 of 2023 dated 02.05.2023 under Sections 21(C)/27A/29 of the NDPS Act.

In the matter of : **Ajmaul Hoque @ Asmaul.**

.... Petitioner.

Mr. Arup Kr. Bhowmick.

...for the Petitioner.

Mr. Suman De,

Mrs. Sreyashee Biswas.

...for the State.

1. Petitioner contends no narcotics was recovered from his possession. Co-accused has been granted pre-arrest bail. Accordingly, he prays for bail.

2. Learned Advocate for the State opposes the bail prayer. He submits petitioner had absconded.

3. We have considered the materials on record. No narcotics was recovered from petitioner. His complicity has transpired from statement of co-accused before police officer which is inadmissible in evidence.

4. Under such circumstances, we are of the opinion he has been able to rebut statutory restrictions under Section 37 of the N. D. P. S. Act and may be enlarged on bail.

5. Accordingly, the petitioner viz., **Ajmaul Hoque @ Asmaul** 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, Malda 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.

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.)