

03.04.2024.
15.
Ct.No.28.
as
(Allowed)

C.R.M. (NDPS) 584 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with NDPS Case No.207 of 2022 arising out of Jalangi P. S. Case No.324 of 2022 dated 20.10.2022 under Sections 20(b)(ii)(c)/29 of the NDPS Act.

In the matter of : **Sentu Biswas @ Pintu Biswas.**

.... Petitioner.

Mr. Aslam Parvez.

...for the Petitioner.

Mr. Joydeep Roy, Ld. Jr. Govt. Adv.,

Mr. Debbanik Das.

...for the State.

1. Petitioner is in custody for 43 days. He submits no narcotics was recovered from his possession. Accordingly, he prays for bail.

2. Learned Advocate for the State opposes the bail prayer. He contends CDRs collected during investigation show telephonic conversations between petitioner and co-accused from whom narcotics was recovered. Petitioner had absconded.

3. We have considered the materials on record. No narcotics was recovered from petitioner. CDRs collected during investigation show telephonic conversations between petitioner and co-accused from whom narcotics above commercial quantity was recovered. However, contents of such conversations are not known.

5. In view of scanty materials on record, we are of the opinion petitioner has been able to rebut statutory restrictions under Section 37 of the NDPS Act and may be enlarged on bail.

6. Accordingly, the petitioner viz., **Sentu Biswas @ Pintu Biswas** 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.)