

03.04.2024
tkm/ct 28
sl no. 21

C.R.M. (NDPS) 590 of 2024

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Hili P.S case no. 176 of 2022 dated 30.7.2022 under sections 21(c)/ 22(c)/ 23(c) 27A of the NDPS Act
And

Allowed

In Re : Akherul Fakir @Akhirul Fakir ... petitioner

Mr. K Choudhury

..... for the petitioner

Ms. Manasi Roy

..... for the State

1. Petitioner is in custody for 45 days. He submits no narcotics was recovered from his possession. He prays for bail.
2. Learned lawyer for the State opposes the bail prayer. She contends petitioner has been implicated in a number of cases involving narcotics.
3. In rebuttal, petitioner contends no narcotics was recovered from him in any of these cases.
4. We have considered the materials on record. No narcotics was recovered from the petitioner. His complicity has transpired from the statement of co-accused before police officer which is inadmissible in evidence. Under such circumstances we are of the opinion petitioner has been able to rebut statutory restrictions under section 37 of the NDPS Act and he may be released on bail.
5. Accordingly, the petitioner 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 Special Judge under NDPS Act Balurghat Dakshin Dinajpur on condition that the petitioner shall appear before the trial court on

every date of hearing and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

6. In the event he fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this court.

7. The application being CRM (NDPS) 590 of 2024 is disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)