

08.04.2024.
16.
Ct.No.28.
as
(Allowed)

C.R.M. (NDPS) 617 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with NDPS Case No.53 of 2023 arising out of Bhagwangola P.S. Case No.148 of 2023 dated 18.04.2023 under Section 21(C)/29 of the NDPS Act.

In the matter of : **Sagar Ali @ Nayon Sk @ Nayan Sk.**
.... Petitioner.

Ali Ahasan Alamgir,
Ms. Rabia Khatun,
Ms. Soma Mal,
Mr. Syduj Jaman.

...for the Petitioner.

Mr. Debashish Roy, Id. P.P.,
Ms. Nahid Ahmed.

...for the State.

1. Petitioner is in custody for 68 days. No narcotics was recovered from his possession. Investigation is complete. Accordingly, he prays for bail.

2. Learned Advocate for the State opposes the bail prayer. He submits petitioner has criminal antecedents. His complicity has transpired from the statement of co-accused from whom narcotics was recovered.

3. We have considered the materials on record. No narcotics was recovered from petitioner. Though it is contended he has criminal antecedents, there is no legally admissible evidence implicating him in the present case.

4. Under such circumstances, petitioner has been able to rebut statutory restriction under Section 37 of the NDPS Act and may be enlarged on bail.

5. Accordingly, the petitioner viz., **Sagar Ali @ Nayan Sk @ Nayan Sk** 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 Additional Sessions Judge, Special Court, 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.

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.

(Prasenjit Biswas,J.)

(Joymalya Bagchi, J.)