

10.04.2024.

11.

Ct.No.28.

as

(Allowed)

**C.R.M. (NDPS) 633 of 2024**

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Sankrail P.S. Case No.292 of 2023 dated 21.04.2023 under Sections 20(b)(ii)(C) of the NDPS Act.

In the matter of : **Swarbeswar Jani @ Sarbeswar Jani.**

.... Petitioner.

Mr. Tapodip Gupta,

Sk. Toslim Ali,

Mr. Suman Bhanja.

...for the Petitioner.

Mr. Kunal Ganguly.

...for the State.

1. Petitioner contends he is in custody for 166 days. No narcotics was recovered from his possession. Accordingly, he prays for bail.

2. Learned Advocate for the State opposes the bail prayer. He submits petitioner is the supplier of narcotics. CDRs collected during investigation show telephonic conversations between petitioner and co-accused from whom narcotics was recovered.

3. We have considered the materials on record. No narcotics was recovered from petitioner. Though prosecution relies on CDRs collected during investigation showing telephonic conversations between petitioner and co-accused from whom narcotics was recovered, contents of such conversations are not known. He is in custody for 166 days.

4. Under such circumstances, we are of the opinion petitioner 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., **Swarbeswar Jani @ Sarbeswar Jani** 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, Howrah 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.)**