

07.05.2024.
07.
Ct.No.28.
as
(Allowed)

C.R.M. (NDPS) 626 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with NDPS Case No.75 of 2023 arising out of Palashipara P.S. Case No.320 of 2023 dated 15.10.2023 under Sections 21(c)/29 of the NDPS Act and charge sheet submitted under Sections 21(c)/29 of the NDPS Act.

In the matter of : **Yarul Sk. @ Yearul Sk. @ Iyarul Sekh.**
.... Petitioner.

Md. Sabir Ahmed,
Mr. Abdul Aziz Mondal.

...for the Petitioner.

Md. Kutubuddin.

...for the State.

1. Petitioner is the brother of the principal accused. He contends he resides in a different premise and does not have any nexus with the illegal narcotics trade. He is in custody for 137 days. Accordingly, he prays for bail.

2. Learned Advocate for the State opposes the bail prayer. He contends petitioner had telephonic conversations with his brother from whom narcotics was recovered.

3. We have considered the materials on record. Narcotics was recovered from a cowshed attached to his brother's house. It is contended petitioner resides at a different place. Apart from CDRs showing telephonic conversations (which is not improbable in view of the sibling relationship between the parties), no other material showing involving of the petitioner in storing narcotics in the cowshed of his brother is placed on record.

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

5. Accordingly, the petitioners viz., **Yarul Sk. @ Yearul Sk. @ Iyarul Sekh** shall be released on bail upon furnishing a bond of Rs.10,000/- each with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Judge, Special Court under the NDPS Act, Nadia at Krishnagar 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.)