

09.04.2024.
25.
Ct.No.28.
as
(Allowed)

C.R.M. (NDPS) 631 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Special Case No.11 of 2024 arising out of Kaliachak P.S. Case No.101 of 2024 dated 01.02.2024 under Sections 21(C)/25/27A/29 of the NDPS Act.

In the matter of : **Firoj Sk. @ Nayem Sk.**

.... Petitioner.

Mr. Mrityunjoy Chatterjee,
Mr. Manas Das.

...for the Petitioner.

Mr. Sujoy Sarkar.

...for the State.

1. Petitioner is in custody for 48 days. He contends no narcotics was recovered from his possession. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the bail prayer.
3. We have considered the materials on record. No narcotics was recovered from petitioner. His complicity has transpired from statement of co-accused before police officer which is inadmissible in evidence.
4. Under such circumstances, we are of the opinion he 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., **Firoj Sk. @ Nayem 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 Judge, Special Court under the N.D.P.S. Act, Malda 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.)