

18.04.2024.
12.
Ct.No.28.
as
(Allowed)

C.R.M. (NDPS) 665 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with NDPS Case No.77 of 2023 arising out of Balurghat P.S. Case No.813 of 2023 dated 13.10.2023 under Sections 21(c)/22(c)/23(c)/27A/29 of the NDPS Act.

In the matter of : **Durga Barman @ Durgadeb Barman.**
.... Petitioner.

Mr. Sayan De,
Mr. Sayan Kanjilal.

...for the Petitioner.

Mrs. Shaita Afrin,
Mr. Varun Raj Tiwari.

...for the State.

1. Petitioner is in custody for 52 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. He submits CDRs show telephonic conversations between petitioner and co-accused from whom narcotics above commercial quantity was recovered.
3. We have considered the materials on record. No narcotics was recovered from petitioner. Apart from CDRs showing telephonic conversations (contents whereof are not known) between petitioner and co-accused from whom narcotics was recovered, no material is placed on record to establish complicity of the petitioner in the crime.
4. In view of scanty materials on record implicating the petitioner in the crime, we are of the opinion petitioner has

been able to rebut statutory restrictions under Section 37 of the NDPS Act and may be enlarged on bail.

5. Accordingly, the petitioner viz., **Durga Barman @ Durgadeb Barman** 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, Balurghat, Dakshin Dinajpur 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.)