

10.05.2024
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allowed

CRM(NDPS) No. 760 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Patiram Police Station Case No. 243 of 2022 dated 17.12.2022 under Sections 21(c)/22(c)/23(c)/27A of the NDPS Act.

And

In Re : Akherul Fakir @ Asabul petitioner

Mr. Kaushik Choudhury

....for the petitioner

Mr. Ashok Das

.... for the State

1. Learned Counsel for the petitioner submits he is in custody for 50 days. It is also submitted no narcotics was recovered from him. Accordingly, he prays for bail.

2. Learned Counsel for the State opposes the prayer for bail and submits petitioner has criminal antecedents.

3. We have considered the materials on record. No narcotics was recovered from the possession of the petitioner. His complicity has transpired from the statement of the co-accused before police officer which is inadmissible in law. Under such circumstances, we are inclined to grant bail to the petitioner.

4. Accordingly, we direct that the petitioner 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 NDPS Act-cum-learned Additional District Judge, 3rd court, Balurghat, Dakshin Dinajpur, subject to condition that petitioner 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.

5. In the event the petitioner fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

6. The application for bail is, accordingly, allowed.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)