

06.05.2024.
10.
Ct.No.28.
as
(Allowed)

C.R.M. (NDPS) 773 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Special Case No.99 of 2022 arising out of Gangarampur P.S. Case No.560 of 2022 dated 07.12.2022 under Sections 21(c)/22(c)/23(c)/27A/28/29 of the NDPS Act.

In the matter of : **Aminul Islam.**

.... Petitioner.

Mr. Kaushik Choudhury.

...for the Petitioner.

Mr. Atif Ahmed Siddiqui.

...for the State.

1. Petitioner submits he is in custody for 39 days. He submits 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 involved in the conspiracy of illegal smuggling 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. CDRs collected during investigation show there was telephonic conversations between petitioner and co-accused from whom narcotics was recovered. Contents of such communication are not known.
4. We have examined the statement of a witness with regard to involvement of the petitioner in narcotic trade. His statement is general and omnibus and does not relate to the

transaction in question which is the subject matter of investigation.

5. 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.

6. Accordingly, the petitioner viz., **Aminul Islam** 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.

7. 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.

8. This application for bail is, thus, disposed of.

(Gaurang Kanth,J.)

(Joymalya Bagchi, J.)