

07.05.2024
Sl. No.9
akd
[ALLOWED]

C. R. M. (NDPS) 775 of 2024

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 25.04.2024 in connection with Gangarampur Police Station Case No.145 of 2018 dated 09.06.2018 under Sections 21(c)/22(c)/23(c)/25/27A/28/29 of the NDPS Act.

And

In Re: ***Biplab Poddar***

... .. Petitioner

Mr. Kaushik Choudhury
Ms. Busra Khatoon

... .. for the petitioner

Mr. Joydeep Roy .. Jr. Govt. Advocate
Ms. Rajnandani Das

... .. for the State

1. It is submitted on behalf of the petitioner that no narcotics was recovered from his possession. Co-accused has been enlarged on bail. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the prayer for bail and submits petitioner had absconded for a considerable period of time. He has criminal antecedents.
3. We have considered the materials on record. Conduct of the petitioner is not appreciable. However, no narcotics was recovered from his possession. His complicity has transpired from the statement of co-accused before a police officer which is inadmissible in evidence. Co-accused has been enlarged on bail. Hence, we are of the opinion petitioner has been able to rebut the statutory restrictions under Section 37 of the NDPS Act and may be released on bail however, subject to conditions.
4. Therefore, the accused/petitioner, namely ***Biplab Poddar***, be released on bail upon furnishing bond of Rs.10,000/- (Rupees Ten thousand only), 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-cum-Additional District Judge, 3rd Court, Dakshin Dinajpur at Balurghat subject to condition that the said 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 or commit similar offences in future and on further condition that the petitioner, while on bail, shall meet the Officer-in-charge, Gangarampur Police Station once in a week until further orders.

5. In the event he fails to appear before the trial court without any justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this court.
6. The application for bail, thus, stands allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)