

02.08.2024.
25/tkm

C.R.M. (NDPS) 1159 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure (section 483 of the Bharatiya Nagarik Suraksha Sanhita 2023) in connection with Chakulia P.S case no. 288 of 2021 dated 7.10.2021 under section 21(b) of the NDPS Act

Allowed and
In the matter of : Chandan Kumar Sahani Petitioner

Mr. Sudip Guha
Mr. P Roy
...for the Petitioner

Mr. Ashok Das
...for the State

1. Heard learned lawyers for the parties.
2. We have considered the materials on record. Petitioner is in custody for 42 days. No narcotics was recovered from his possession. His complicity has transpired from the statement of co-accused before police officer which is inadmissible in evidence.
3. Under such circumstances, we are of the opinion petitioner has been able to rebut statutory restrictions under section 37 of the NDPS Act and he may be granted bail.
4. Accordingly, the petitioner 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, Uttar Dinajpur on condition that the petitioner shall appear before the trial court on every date of hearing and shall not

intimidate witnesses or tamper with evidence in any manner whatsoever.

5. In the event he fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this court.

6. The application being CRM (NDPS) 1159 of 2024 is disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)