

01.8.2024
Ct. No. 6
SL No. 24
SB

C.R.M. (NDPS) 1166 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Burwan** P.S. Case No. 104 of **2024** dated 26.2.2024 under Sections 22(C)/29 of NDPS Act.

And

In the matter of: Hafijul Islam

Mr. Anisur Rahman ...for the Petitioner

Mr. Rana Mukherjee
Mr. Mainak Guptafor the State

1. Heard learned lawyers for both the parties.
2. No narcotics was recovered from the petitioner. His complicity transpired from statement of co-accused before police officer which is inadmissible in law. Petitioner has been able to rebut the statutory restrictions under Section 37 of the NDPS Act and he may be granted bail.
3. Under such circumstances, we are inclined to grant bail to the petitioner.
4. Accordingly, 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 Additional Sessions Judge, Special Court, under NDPS Act, 2nd Court, Murshidabad at Berhampore subject to the condition that the petitioner shall appear before the trial court on each and every date of hearing until further orders and shall not intimidate witnesses and/or tamper with evidence in any manner whatsoever.

5. 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 without any further reference to this Court.
6. The application for bail is, thus, allowed and disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)