

10. 07.08.2024
Court
No.6 (Tanmoy)

Allowed

CRM (NDPS) 1180 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973/ Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, in connection with **Balurghat** Police Station Case No. **294/2022**, dated **27.4.2022** under Sections **21(c)/22(c)/23(c)/25/27(A)/28/29** of the NDPS Act, 1985.

And

In the matter of: - **Pintu Dey Sarkar**

...petitioner.

Mr. Soubhik Mitter
Ms. Benajir Hasna
Mr. Aliul Islam

...for the petitioner.

Mr. Rana Mukherjee, APP
Ms. Prakash Mishra

...for the State.

1. Learned lawyer for the petitioner contends petitioner is in custody for over two years. He submits the prosecution witnesses who stated that money was paid to him by co-accused for storing narcotics have not supported the case. Accordingly he prays for bail.
2. Learned lawyer for the State opposes the bail prayer. He contends petitioner was a conspirator and was assisting co-accused in dealing in narcotics. His prayer was rejected earlier.
3. We have considered the materials on record. It is alleged petitioner received rental of Rs.10,000/- and permitted co-accused to store narcotics. On such score his bail prayer was rejected earlier. Prosecution witnesses, namely, Nabin Sarkar, Rajat Chowdhury and Haribala Mahato, who made

such statements before police, did not come out with such facts in Court.

4. Under such circumstances, we are of the opinion petitioner has been able to rebut the statutory restrictions under Section 37 of the NDPS Act and may be enlarged on bail.
5. Accordingly, we direct the petitioner, namely, **Pintu Dey Sarkar** 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 3rd Court under NDPS Act, Balurghat, Dakshin Dinajpur subject to 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.
6. 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.
7. The application for bail is, thus, allowed and disposed of.
8. Personal appearance of the Investigating Officer is noted and dispensed with.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)