

31.7.2024
Ct. No. 6
SL No. 35
S.De/Tanmoy

C.R.M. (NDPS) 1194 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Baishnabnagar P.S.** Case No.135 of **2023** dated 01.3.2023 under Sections 21(c)/ 29 of NDPS Act.

And

In the matter of: Nasir Pichi @ Nasir Sk @ Nasiruddin Saikh.

Mr. Wasim Akram ...for the Petitioner

Mr. Arindam Sen
Mr. Sayan Dev Kumarfor the State

1. Heard learned advocates for the parties.
2. We have considered the materials on record. No narcotics was recovered from the petitioner. His complicity in the case has transpired from statement of co-accused before police officer is inadmissible in law.
3. Under such circumstances we are of the opinion the petitioner has been able to rebut the statutory restriction under Section 37 of the Narcotic Drugs and Psychotropic Substances Act, 1985 and is entitled to bail.
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 Judge, Special Court under NDPS Act, Malda 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.)