

43. 06.08.2024
Court
No.6 (Tanmoy)

Allowed

CRM (NDPS) 1226 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 **Raninagar** Police Station Case No. **88/2023**, dated **18.02.2023** under Sections **21(c)/29** of the NDPS Act, 1985.

And

In the matter of: - **Rafi Sekh @ Rafikul Mondal @ Rafijul**

...petitioner.

Mr. Jisan Iqubal Hossain

...for the petitioner.

Mr. Joydeep Roy, Jr. Govt. Adv.

Mr. Dattatreya Dutta

...for the State.

1. Petitioner is in custody for 50 days. No narcotics was recovered from the possession of the petitioner. His complicity transpired from statement of co-accused before police officer which is inadmissible evidence in law.
2. Under such circumstances, we are of the opinion petitioner has been able to rebut the statutory restrictions in Section 37 of the NDPS Act and may be enlarged on bail.
3. Accordingly, we direct the petitioner, namely, **Rafi Sekh @ Rafikul Mondal @ Rafijul** 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, Murshidabad at Berhampore 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.

4. In the event petitioner fails to appear before the Trial Court without any justifiable cause, the Trial Court shall be at liberty to cancel the his bail without any further reference to this Court.
5. The application for bail is, thus, allowed and disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)