

13. 07.08.2024
Court
No.6 (Tanmoy)

Allowed

CRM (NDPS) 1230 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 **Bhatar** Police Station Case No. **31/2024**, dated **19.01.2024** under Sections **21(c)/29** of the NDPS Act, 1985 read with Sections **201/34** of the Indian Penal Code.

And

In the matter of: - **Abhishek Shaw @ Bhole @ Bhola**

...petitioner.

Mr. Uday Sankar Chattopadhyay
Ms. Rajashree Tah
Ms. Trisha Rakshit
Ms. Aishwarya Datta
Ms. Bidisha Chakraborty

...for the petitioner.

Mr. Rudradipta Nandy, APP
Ms. Mausumi Sarkar

...for the State.

1. Learned lawyer for the petitioner submits petitioner is in custody for 196 days. No narcotics was recovered from his possession. Investigation is complete. He prays for bail.
2. Learned lawyer for the State opposes the bail prayer and submits that large volume of narcotics was loaded in a truck under rice bags. Co-accused stated that consignment was to be sent to the petitioner.
3. We have considered the materials on record. Complicity of petitioner has transpired from statement of co-accused before the police officer, which is inadmissible in law. No legally admissible evidence corroborating the statement has been collected during investigation.

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 he may be enlarged on bail.
5. Accordingly, we direct the petitioner, namely, **Abhishek Shaw @ Bhole @ Bhola** 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, Purba Bardhaman 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.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)