

12.8.2024
Ct. No. 6
SL No. 36
SB

C.R.M. (NDPS) 1266 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure read with Section 483 of B.N.S.S. Act, in connection with **Bhimpur** P.S. Case No. 277 of **2022** dated 13.7.2022 under Sections 21(c) / 29 of the N.D.P.S. Act and subsequently Charge – Sheet Submitted on 27.01.2023 vide Charge-Sheet No. 23 of 2023 under Sections 21(C) / 29 of the NDPS Act.

And

In the matter of: Salam Sardar

Mr. Sandip Chakraborty

Mr. Amanul Islam

Mr. Sourav Mukherjee

Mr. Koustav Das

... for the petitioner

Mr. Saibal Bapuli, A.P.P.

Mr. Sufi Kamal

... for the State

1. Petitioner is in custody for 101 days. No narcotics was recovered from the possession of the petitioner. He prays for bail
2. We have considered the materials on record. Petitioner has been implicated on the basis of statement of co-accused before police officer which is inadmissible in evidence.
3. 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 is entitled to bail.
4. Accordingly we direct petitioner shall be released on bail 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, Krishnagar, Nadia 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.

(Apurba Sinha Ray, J.)

(Joymalya Bagchi, J.)