

12.8.2024
Ct. No. 6
SL No. 32
SB

C.R.M. (NDPS) 1262 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 **Domkal** P.S. Case No. 811 of **2023** dated 03.12.2023 under Sections 21(c)/ 29 of the N.D.P.S. Act

And

In the matter of: Lalon Sk @ Litan Sekh @ Lilan Sekh

Mr. Tapodip Gupta ... for the petitioner

Mr. Sekhar Barman ... for the State

1. Petitioner is in custody for 61 days. No narcotics was recovered from his possession. His complicity has transpired from statement of co-accused before police officer which is inadmissible in law.
2. 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 released on bail.
3. Under such circumstances, we are inclined to grant bail to the petitioner.
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 cum Additional District Judge, 5th Court, Berhampore, Murshidabad 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.)