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19-08-2024  
(ct. no.28)  
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**Allowed**

## **CRM (NDPS) 1286 of 2024**

**In re:** An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Baishnabnagar Police Station Case No. 18 of 2023** dated **08.01.2023** under Sections **21(c/25 and 29** of the Narcotic Drugs & Psychotropic Drugs (NDPS) Act.

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**In the matter of : Bablu Sk.**

.... Petitioner.

Mr. Wasim Akram,

... For the Petitioner.

Mr. Bibaswan Bhattacharya,

Ms. Eshita Dutta,

... For the State.

### **Order dictated by Arijit Banerjee, J.**

1. The petitioner says that there was no recovery of contraband item from him. He has been implicated on the basis of the statement made by a co-accused person. The investigation is complete. Charge-sheet has been submitted. He prays for bail.
2. Opposing the prayer for bail, learned advocate for the State, says that the petitioner has antecedents. There is sufficient incriminating material against him. All efforts will be made to conclude the trial at an early date.
3. Since there was no recovery from the petitioner and his implication is only on the basis of a co-accused person's statement, we are of the view that he has been able to overcome the restriction in Section 37 of the N.D.P.S. Act.
4. Accordingly, we direct that the petitioner, namely, **Bablu Sk.** shall be released on bail upon furnishing a bond of Rs. 25,000/-, with two sureties of like amount each, one of whom must be local, to the satisfaction of the Learned Judge,

Special Court (under the NDPS Act), Malda and on further conditions that he shall not leave the jurisdiction of the concerned police station and shall report to the Officer-in-Charge of the concerned police station once in a fortnight until further orders.

5. The petitioner shall appear before the trial Court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.
6. In the event the petitioner fails to adhere to any of the conditions stipulated above without justifiable cause, the trial court shall be at liberty to cancel the petitioner's bail in accordance with law without further reference to this court.
7. The application for bail is, accordingly, allowed.
8. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

**( Apurba Sinha Ray, J. )**

**( Arijit Banerjee, J. )**