

13.9.2024
Ct. No. 6
SL No. 32
SB

C.R.M. (NDPS) 1347 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure as amended under Section 483 of the B.N.S.S. Act 2023 in connection with **Kaliachak** P.S. Case No. 872 of **2024** dated 16.6.2024 under Sections 21(c)/29 of the N.D.P.S. Act.

And

In the matter of: Imran Mia @ Runu

Mr. L. Vishal Kumar

Mr. S. Saha

... for the petitioner

Mr. Rudradipta Nandy

Mr. Karan Bapuli

...for the State

1. Heard the learned advocates for the parties.
1. Petitioner is in custody for 79 days. No narcotics was recovered from his possession. He prays for bail.
2. Learned counsel for the State submits C.D.Rs. show telephonic conversation between petitioner and co-accused from whom narcotics of above commercial quantity was recovered.
3. We have considered the materials on record. Two sacks containing 520 bottles and 600 bottles of Phensedyl syrup respectively were recovered from a lichi garden. It is alleged that Tarikul Islam was arrested. Petitioner was not arrested at the spot. It is alleged petitioner had telephonic communications with the said Tarikul. Nature of the said conversation is unknown. No new incriminating material corroborating the prosecution case has divulged during investigation.
4. Under such circumstances, we are of the opinion petitioner is able to rebut the statutory restrictions under Section 37 of the N.D.P.S. Act.

5. Accordingly, the petitioner 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, Additional District Judge, 4th Court, Malda 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.
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.)