

04.09.2024
Item no. 71.
Court No.28.
AB
(Allowed)

CRM (NDPS) 1364 of 2024

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure, 1973/Under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Kaliachak Police Station Case No.285 of 2024 Dated 16.03.2024 under Section 21C/25/27A/29 of the NDPS Act

And

In the matter of : Yasin Biswas @ Mithu @ Eyasin

.....Petitioner.

Mr. Arup Kr. Bhowmick for the Petitioner.

Mr. Arnab Chatterjee
Mr. Bikram Mitra for the State.

Dictated by Arijit Banerjee, J.

1. The petitioner says that there was no recovery of contraband item from him. Notice under Section 160 Cr.P.C. was issued to him by the Investigating Authorities. He has been implicated on the basis of statement made by co-accused person. He is in custody for 73 days. He prays for bail.
2. Learned Advocate for the State, while opposing the prayer for bail, leaves the matter to the discretion of the Court.
3. In view of the fact that there was no recovery from the petitioner and he has been implicated on the basis of statement made by co-accused person, which may not

be admissible in evidence and also since he was summoned as a witness in the case, we are of the view that the petitioner has been able to overcome the restriction in Section 37 of the NDPS Act. We are inclined to allow the prayer for bail of the petitioner.

4. Accordingly, we direct that the petitioner, namely **Yasin Biswas @ Mithu @ Eyasin** 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 at Malda, and on further conditions that he shall not leave the jurisdiction of the concerned police station and shall report to the Investigating Officer 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 and/or commit any cognizable offence 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.

(Arijit Banerjee, J.)

(Prasenjit Biswas, J.)