

10.9.2024
Ct. No. 6
SL No. 28
SB

C.R.M. (NDPS) 1389 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 **Bhagwangola** P.S. Case No. **606 of 2023** dated 09.12.2023 under Sections 21(c) / 29 of the N.D.P.S. Act.

And

In the matter of: Akash SK @Rakesh SK & Anr.

Mr. Tapodip Gupta

Mr. Suman Bhanja

... for the petitioners

Ms. Subhasree Patel

Ms. Ankita Paul

....for the State

1. Heard the learned advocates for the parties.
2. We have considered the materials on record.
3. No narcotics were recovered from the petitioner. Complicity of the petitioners has transpired from C.D.Rs. showing communication between him and another co-accused. No corroborative evidence with regard to the nature of conversation has been placed on record.
1. In view of slender material on record, petitioners have been able to rebut the statutory restrictions under Section 37 of the NDPS Act and may be released on bail.
2. Accordingly, the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/- each with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Judge, Special Court, N.D.P.S. Act cum Additional District Judge, 2nd Court, Berhampore, Murshidabad, subject to the condition that the petitioners 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.

3. In the event petitioners fail to appear before the Trial Court without any justifiable cause, the Trial Court shall be at liberty to cancel their bail without any further reference to this Court.
4. The application for bail is, thus, allowed and disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)