

10.9.2024
Ct. No. 6
SL No. 30
SB

C.R.M. (NDPS) 1409 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 **Sagardighi** P.S. Case No. 174 **of 2024** dated 30.04.2024 under Sections 20(b)(ii)(c) / 29 of the N.D.P.S. Act.

And

In the matter of: Rejjak Miah @Rejjak Mia @Rejjak Mondal

Mr. Tapodip Gupta

Mr. Suman Bhanja

... for the petitioner

Mr. Kaushik Kundu

Ms. Pallavi Priyadarshee

....for the State

1. Heard the learned advocates for the parties.
2. Petitioner contends no narcotics were recovered from his possession. He is in custody for 190 days. He prays for bail.
3. Learned advocate appearing for the State contends petitioner was the driver of the vehicle wherefrom 323.14 Kg. Ganja was recovered.
4. We have considered the materials on record. A large consignment of the ganja was recovered from the vehicle. Prosecution alleges petitioner is the driver of the vehicle. However, no legally admissible evidence justifying such allegation is placed on record.
1. 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.
2. 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, N.D.P.S. 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.

3. In the event petitioner fail 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.
4. The application for bail is, thus, allowed and disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)