

CRM (NDPS) 1417 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure corresponding to Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, in connection with **Gangarampur Police Station Case No. 400 of 2023 dated 17.08.2023 under Sections 21(c)/22(c)/23(c)/27/28** of the Narcotic Drugs & Psychotropic Substances Act 1985.

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In the matter of : Rejaul Mia.

.... Petitioner.

Mr. Benajir Hasna,
Mr. Bisaswan Bhattacharyya,
Mr. Aliul Islam, ... For the Petitioner.

Mr. Iqbal Kabir,
Ms. Payel Ghosh, ... For the State.

Order dictated by Arijit Banerjee, J.

1. The petitioner is in custody for about 1 year and 1 month. He says that the two independent witnesses to the seizure list have both deposed to the effect that they know nothing about the case. The depositions of those witnesses being PW-9 and 10 have been annexed to the bail petition. We find that PW-9 has stated : *"I cannot say any incident about this case."* PW-10 has stated : *"I cannot say any incident about this case. This is my signature in the seizure listI put this signature in a blank paper at the petrol pump"*.
2. The aforesaid has clearly made a significant dent in the prosecution case. It is strange that the prosecution has not declared those witnesses to be hostile.

3. In view of the aforesaid, we are of the opinion that the petitioner has been able to rebut the restriction in Section 37 of the N.D.P.S. Act.
4. Hence, we are inclined to allow the petitioner's prayer for bail.
5. Accordingly, we direct that the petitioner, namely, **Rejaul Mia** 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), Balurghat, Dakshin Dinajpur 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.
6. 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.
7. 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.
8. The application for bail is, accordingly, allowed.
9. 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.)