

11.09.2024
Sr. No. 45
Ct. No. 6.
AB
(Allowed)

C.R.M. (NDPS) 1432 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 Jalangi Police Station Case No.349 of 2023 Dated 23.10.2023 under Section 21C/29 of the NDPS Act

In the matter of : **Rofej Sk. @ Koshai @ Rafej Mandal**

....Petitioner.

Md. G. N. ImrohiFor the Petitioner.

Mr. Madhusudan Sur, Id. APP
Mr. Arka ChakrabortyFor the State.

1. Heard learned Advocates for the parties.
2. Petitioner is in custody for 58 days. He submits no narcotic was recovered from his possession. He prays for bail.
3. Learned lawyer for the State submits petitioner is the conspirator, who had telephonic exchanges with co-accused from whom narcotic was recovered.
4. We have considered the materials on record. No narcotic was recovered from the possession of the petitioner. His complicity transpires from CDRs showing telephonic exchanges between him and co-accused. However, during his detention, no incriminating material disclosing nature of conversation has surfaced.

5. In view of the materials on record, petitioner has been able to rebut the statutory restrictions under Section 37 of the NDPS Act and hence, he may be enlarged on bail.
6. Accordingly, the petitioner, namely, **Rofej Sk. @ Koshai @ Rofej Mandal** 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 under the NDPS Act at Berhampore, Murshidabad, subject to condition that he shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever or commit similar offences in future.
7. 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 in accordance with law without further reference to this Court.
8. This application for bail is, thus, disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)