

11.11.2024
tkm/ct 28
sl no. 47

C.R.M. (NDPS) 1492 of 2024

In Re : An application for bail under section 483 of the BNSS 2023 in connection with Kaliachak P.S case no. 927 of 2024 dated 23.6.2024 under sections 21(c)/25/27A/29 of the NDPS Act
And

Allowed

In Re : Ripon Sarkar & Ors.

... petitioners

Mr. Kauchik Choudhury

..... for the petitioners

Mr. Iqbal Kabir

Ms. Sreetama Das

..... for the State

1. Petitioners are in custody for 137 days. They submit no narcotics was recovered from their possession. They pray for bail.
2. Learned lawyer for the State submits CDRs show telephonic conversation between the petitioners and co-accused from whom narcotics was recovered. They were arrested from the place where incident was sought to deliver.
3. We have considered the materials on record. No narcotics was recovered from the petitioners. Though CDRs show telephonic conversation between the petitioners and co-accused, contents of such conversation are not known. Petitioners are in custody for 137 days. No legally admissible evidence corroborating statement of co-accused is placed on record.
4. Under such circumstances we are of the opinion petitioners have been able to rebut the statutory restrictions under section 37 of the NDPS Act and they may be enlarged on bail.
5. Accordingly, the petitioners 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 under NDPS Act Nadia Krishnagar

on condition that the petitioners shall appear before the trial court on every date of hearing and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

6. In the event they fail to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel their bail automatically without reference to this court.

7. The application being CRM (NDPS) 1492 of 2024 is disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)