

05.11.2024

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Allowed

C.R.M. (NDPS) No. 1494 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure correspondence to Section 483 of BNSS in connection with Baishnabnagar Police Station Case No. 37 of 2024 dated 11.01.2024 under Sections 21(c)/29 of the N.D.P.S. Act.

And

In Re : Nasir Pichchi @ Nasir Sk. @ Nasiruddin Saikh petitioner

Md. Wasim Akram

.... for the petitioner

Ms. Minoti Gomes

Mr. Subhasish Datta

.... for the State

1. Learned Counsel for the petitioner submits no narcotics was recovered from the petitioner. He is in custody for 84 days. Accordingly, he prays for bail.

2. Learned Counsel for the State submits petitioner has criminal antecedents.

3. We have considered the materials on record. No narcotics was recovered from the petitioner. His complicity has transpired from the statement of co-accused before a police officer which is inadmissible in evidence.

4. Under such circumstances, we are of the opinion that the petitioner has been able to rebut the statutory restrictions under Section 37 of the NDPS Act and he may be granted bail subject to strict conditions.

5. Accordingly, we direct that 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 under NDPS Act, 3rd court, Malda, subject to further condition that while on bail petitioner shall not enter the jurisdiction of Baishnabnagar Police Station until further orders. He shall provide the address where he shall presently reside to the investigating agency and the trial court. 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.

6. 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.

7. The application for bail is, accordingly, allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)