

05.11.2024.
39.
Ct.No.28.
as/sdas
(Allowed)

C.R.M. (NDPS) 1510 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure read with under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection NDPS Case No.38 of 2024 arising out of Hogalberia P. S. Case No.50 of 2024 dated 19.03.2024 under Sections 21(c)/29 of the NDPS Act.

In the matter of : **Saru Molla @ Sariful Molla.**

.... Petitioner.

Mr. Amanul Islam,
Mr. Sourav Mukherjee.

...for the Petitioner.

Mr. Anand Keshri,
Ms. Dhanasree Biswas.

...for the State.

1. Petitioner is in custody for three months. He submits no narcotics was recovered from his possession. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the bail prayer.
3. We have considered the materials in the Case Diary. No narcotics was recovered from the petitioner. His complicity has transpired from the statement of co-accused before police officer which is inadmissible in evidence.
4. Under such circumstances, we hold he has been able to rebut statutory restrictions under Section 37 of the NDPS Act and is entitled to bail.
5. Accordingly, the petitioner viz., **Saru Molla @ Sariful Molla** 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, Nadia at Krishnagar 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.

6. In the event the 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. This application for bail is, thus, disposed of.

(Gaurang Kanth,J.)

(Joymalya Bagchi, J.)