

06.11.2024

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Allowed

C.R.M. (NDPS) No. 1515 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 Sagarpara Police Station Case No. 14 of 2024 dated 13.01.2024 under Sections 21(c)/29 of the N.D.P.S. Act.

And

In Re : Rafikul Molla @ Rofikul Molla @ Rofikul Islam Molla petitioner

Ms. Shabana Hasin

Ms. Samima Akter

.... for the petitioner

Mr. Debasish Roy, learned PP

Mr. Arijit Ganguly

Mr. Koushik Kundu

.... for the State

1. Heard the learned Counsels for the parties.

2. 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.

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

4. 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-cum-ADJ, 5th Court, Berhampore, Murshidabad,

subject to condition that petitioner 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.

5. 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.

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

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)