

06.11.2024

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Allowed

C.R.M. (NDPS) No. 1548 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure read with Section 483 of BNSS in connection with Jalangi Police Station Case No. 29 of 2024 dated 23.01.2024 under Sections 21(c)/29 of the N.D.P.S. Act.

And

In Re : Sohel Rana Sarkar @ Sohel Sarkar petitioner

Mr. Arnab Chatterjee

Ms. Poulami Bose

.... for the petitioner

Ms. Rituparna De Ghose

Ms. Debadrita Mondal

.... for the State

1. Learned Counsel for the petitioner submits he is in custody for 70 days. Investigation is complete. It is also submitted no narcotics was recovered from his possession. Accordingly, he prays for bail.

2. Learned Counsel for the State submits call detail records (CDRs) show repeated telephonic conversations between petitioner and co-accused from whom narcotics above commercial quantity was recovered.

3. We have considered the materials on record. No narcotics was recovered from the petitioner. His complicity is based on CDRs which show frequent telephonic conversations between petitioner and co-accused. Contents of the said conversations are not known. Under such circumstances

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-Additional District Judge, 5th court, at 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.)