

07.11.2024.
43.
Ct.No.28.
as
(Allowed)

C.R.M. (NDPS) 1552 of 2024

In Re:- An application for bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection NDPS Case No.08 of 2024 arising out of Sagarpara P. S. Case No.14 of 2024 dated 13.01.2024 under Sections 21(C)/29 of the NDPS Act and charge sheet submitted under Sections 21(C)/29 of the NDPS Act.

In the matter of : **Roquib @ Raqub Sk. @ Rakibul Sk & Anr.**

.... Petitioners.

Ms. Shabana Hasin,
Ms. Samiuma Akter.

...for the Petitioners.

Mr. Debasish Roy, Id. P.P.,
Mr. Arijit Ganguly,
Mr. Koushik Kundu.

...for the State.

1. Petitioners are in custody for 86 days. They submit no narcotics was recovered from his possession. Accordingly, they pray 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 petitioners. Their complicity has transpired from the statement of co-accused before police officer which is inadmissible in evidence.
4. Under such circumstances, they have been able to rebut statutory restrictions under Section 37 of the NDPS Act and is entitled to bail.
5. Accordingly, the petitioners viz., **1) Roquib @ Raqub Sk. @ Rakibul Sk and 2) Amit Sk. @ Ebrahim Sk.** shall 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 the NDPS Act, Berhampore, Murshidabad subject to condition that they 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 and on further condition petitioner while on bail shall meet the Investigating Officer of the case once in a week until further orders.

6. In the event the petitioners fail to appear before the Trial Court without any justifiable cause, the trial Court shall be at liberty to cancel their 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.)