

08.11.2024.
42.
Ct.No.28.
SG
(Allowed)

C.R.M. (NDPS) 1573 of 2024

In Re:- An application for bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection NDPS Case No.27 of 2024 arising out of Patiram P. S. Case No.157 of 2024 dated 13.06.2024 under Sections 21(c)/22(c)/23(c)/27A of the NDPS Act.

In the matter of : **Goutam Sarkar**

.... Petitioner.

Mr. Kaushik Chowdhury,
Ms. Munmun Dutta.

...for the Petitioner.

Mr. Joydeep Roy,
Mr. Mujibar Ali Naskar.

...for the State.

1. Petitioner submits no narcotics was recovered from his possession. He is in custody 110 days . Accordingly, he prays for bail.
2. Learned Advocate for the State opposes his bail prayer.
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 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., **Goutam Sarkar** 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 cum learned Additional District

Judge, 3rd Court, Balurghat, Dakshin Dinajpur 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.)