

08.11.2024.  
43.  
Ct.No.28.  
SG  
(Allowed)

**C.R.M. (NDPS) 1578 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 Hili P. S. Case No.274 of 2022 dated 01.12.2022 under Sections 20(b)(ii)/21(c)/22(c)/23(c)/27A of the NDPS Act.

In the matter of : ***Amit Mali***

.... Petitioner.

Mr. Kaushik Chowdhury,

...for the Petitioner.

Mr. Shiladitya Banerjee,  
Mr. Atanu Ghosh.

...for the State.

1. Petitioner is in custody for 79 days. He submits no narcotics was recovered from his possession. Co-accused are on bail. He. Accordingly, he prays for bail.
2. Learned Advocate for the State submits petitioner had absconded. CDR shows telephonic conversations between him and co-accused from whom narcotics were recovered.
3. We have considered the materials on record. No narcotics was recovered from the petitioner. CDRs show telephonic conversations between petitioner and co-accused from him narcotics was recovered. However, contents of conversation are not known. Co-accused are on bail.
4. In view of the slender evidence connecting petitioner with the alleged crime, we are of the opinion he has been able to rebut statutory restrictions under Section 37 of the NDPS Act and is entitled to bail.

5. Accordingly, the petitioners viz., **Amit Mali** 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, 3<sup>rd</sup> 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.)**