

08.11.2024.
46.
Ct.No.28.
SG
(Allowed)

C.R.M. (NDPS) 1638 of 2024

In Re:- An application for bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection NDPS Case No.58 of 2024 arising out of Islampur P. S. Case No.399 of 2022 dated 18.07.2024 under Sections 21(c)/25/29 of the NDPS Act.

In the matter of : **Saiful Islam @ Rubel @ Safiul**

.... Petitioner.

Mr. Tapodip Gupta,

...for the Petitioner.

Mr. Joydeep Biswas,

Mr. Asif Dewan

...for the State.

1. Petitioner is in custody for 90 days. He submits no narcotics was recovered from his possession. Accordingly, he prays for bail.
2. Learned Advocate for the State submits opposes the prayer for bail.
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. In view of the aforesaid facts and the slender evidence connecting petitioner with the alleged crime, he has been able to rebut statutory restrictions under Section 37 of the NDPS Act and is entitled to bail.
5. Accordingly, the petitioner viz., **Saiful Islam @ Rubel @ Safiul** 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, 2nd Court, Berhampore, Murshidabadp

6. 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.

7. 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.

8. This application for bail is, thus, disposed of.

(Gaurang Kanth,J.)

(Joymalya Bagchi, J.)