

C.R.M. (NDPS) 1801 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure as amended /under Section 483 of the Bharatiya Nagarik Surksha Sanhita, 2023, in connection with **Krishnagar Police Station Case No.725 of 2024** dated **30.06.2024** under **Sections 20(b)/29** of the Narcotic Drugs and Psychotropic Substances Act.

And

In the matter of: **Nayan Sha & Ors.**

Mr. Prabir Mazumder, ...for the Petitioners.

Mr. Saibal Bapuli,
Mr. Karan Bapuli,for the State

1. We have heard learned counsel for the parties.
2. No narcotic was seized from the petitioners. Their complicity transpired on the basis of the statement of co-accused before the police officer which is inadmissible in evidence.
3. Under such circumstances, petitioners have been able to rebut the statutory presumption under Section 37 of the NDPS Act and may be enlarged on bail.
4. Accordingly, we direct the petitioners namely, **Nayan Sha, Raju Sha and Sajjad Sha**, 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 NDPS Act), Krishnagar, Nadia, subject to the condition that the petitioners shall appear before the trial court on each and every date of hearing until further orders and shall not intimidate witnesses and/or tamper with evidence in any manner whatsoever.
5. In the event petitioners fail to appear before the Trial Court without any justifiable cause, the Trial Court shall be at liberty to cancel their bail without any further reference to this Court.

6. The application for bail is, thus, allowed and disposed of.

(Apurba Sinha Ray, J.)

(Joymalya Bagchi, J.)