

14.11.2024
Ct. No. 28
SL No. 65
SB

CRM (NDPS) 1767 of 2024

In Re: - An application for bail under Section 483 of the B.N.S.S. 2023 in connection with Domkal P.S. Case No. **420 of 2024** dated 02.7.2024 under Sections 21(c)/29 of N.D.P.S. Act.

And

In the matter of: Razzak Molla @ Sk @ Abdur Rajjak Molla

Mr. Joy Chakraborty

Mr. Sandip Dinda

... for the petitioner

Mr. Subhamoy Bhattacharyya

Mr. Asraf Mondal

...for the State

1. Petitioner is in custody for fifty five days. No narcotics was recovered from his possession. He has been falsely implicated. Accordingly, he prays for bail.
2. Learned lawyer appearing for the State submits that petitioner has criminal antecedents.
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, we direct that in the event of arrest the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- with two sureties of like amount each, one of whom must be local, to the satisfaction of learned Judge, Special Court, under NDPS Act-cum-Additional District Judge, 5th Court, Berhampore, Murshidabad, subject to condition that petitioner shall appear before the learned Trial Court on every date of hearing until further order 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, petitioner fails to appear before the trial court without any justifiable cause, the trial court shall be at liberty to cancel his bail prayer in accordance with law without further reference to this Court.

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

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)