

11.12.2024
Pritam/ct 28
sl no. 29.

C.R.M. (NDPS) 1809 of 2024

In Re : An application for bail under section 483 of the BNSS 2023 in connection with Suti P.S case no. 28 of 2020 dated 15.01.2020 under section 21(c)/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

And

Allowed

In Re : Abdul Sk.

... petitioner.

Ms. Minoti Gomes,
Ms. Benajir Hasna,
Mr. Aliul Islam

..... for the petitioner

Mr. Bibaswan Bhattacharya,
Ms. Puja Goswami

..... for the State

1. Heard the learned advocates for both the parties.
2. No narcotic drug was recovered from the petitioner's possession. His complicity has transpired from statement of co-accused which is inadmissible in law. Initially, petitioner was granted pre-arrest bail but he did not appear before the trial court and warrant of arrest of came to be issued. Subsequently, he was arrested. He prays for bail.
3. In view of the scanty and legally inadmissible materials on record against the petitioner, we are of the opinion that he has been able to rebut the presumption under Section 37 of the NDPS Act.
4. Under such circumstances, we are inclined to grant bail to the petitioner.
5. Accordingly, the petitioner 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 the learned Judge, Special Court-cum-Additional District & Sessions Judge, 5th

Court, Berhampore, Murhidabad on condition that the petitioner shall appear before the trial court on every date of hearing and shall not intimidate witnesses or tamper with evidence in any manner whatsoever and also on further condition that the petitioner shall appear/meet the Officer-in-Charge, Suti Police Station once in a week.

6. In the event he fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this court.

7. The application being CRM (NDPS) 1809 of 2024 is disposed of.

(Apurba Sinha Ray, J.)

(Joymalya Bagchi, J.)