

C.R.M. (NDPS) 1842 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 **Kaliganj Police Station Case No.32/2023** dated **13.01.2023** under **Sections 20(b)(C)/25/29** of the Narcotic Drugs and Psychotropic Substances Act.

And

In the matter of: **Sampad Roy**.

Mr. Tapodip Gupta, ...for the Petitioner

Mr. Ranadeb Sengupta,
Ms. Sana Naaz,for the State.

1. Heard learned counsel for the parties.
2. No narcotics was recovered from the petitioner. His complicity has transpired on the basis of the statement of co-accused before the police officer which is inadmissible in evidence.
3. Under such circumstances petitioner has 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 petitioner namely, **Sampad Roy** 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 the learned Judge, Special Court (under NDPS Act), Nadia at Krishnagar subject to the condition that the petitioner 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 petitioner fails to appear before the Trial Court without any justifiable cause, the Trial Court shall be at liberty to cancel his 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.)