

C.R.M. (NDPS) 1928 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 **Kaliachak Police Station Case No. 1776 of 2024** dated **04.11.2024** under **Sections 21(C)/25/27A/29** of the Narcotic Drugs and Psychotropic Substances Act.

And

In the matter of : **Abdul Mia @ Ahamed @ Hoque.**

Mr. Arup Kr. Bhowmick, ...for the Petitioner

Mr. Debasish Roy, Ld. P.P.,
Mr. Arijit Gangully,
Mr. Koushik Kundu, ...for the State.

1. We have heard learned counsel for the parties.
2. We have considered the materials on record. No narcotics was recovered from the petitioner. His complicity 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, **Abdul Mia @ Ahamed @ Hoque** 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), Malda 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 or commit similar offences in future.

5. In the event petitioner fails to adhere to any of the conditions stipulated above without any justifiable cause, the Trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.
6. The application for bail is, thus, allowed and disposed of.

(Apurba Sinha Ray, J.)

(Joymalya Bagchi, J.)