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Allowed

C.R.M. (NDPS) No. 2079 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Jhalda Police Station Case No. 49 of 2023 dated 19.03.2023 under Section 27 of the Drugs and Cosmetic Act and adding Section 21(c) of the N.D.P.S. Act.

And

In Re : Madhu Bagti @ Bagdi petitioner

Mr. Navanil De

Mr. Subhrajit Dey

.....for the petitioner

Mr. Avishek Sinha

.....for the State

1. Learned Counsel for the petitioner submits he is in custody for 247 days. It is also submitted that no narcotics was recovered from his possession. Co-accused has been enlarged on bail. Accordingly, he prays for bail.

2. Learned Counsel for the State opposes the prayer for bail.

3. We have considered the materials on record. No narcotics was recovered from the possession of the petitioner. His complicity has transpired from the statement of the co-accused before police officer which is inadmissible in evidence. Under similar circumstances co-accused has been enlarged on bail. Hence, we are inclined to grant bail to the petitioner also.

4. Accordingly, we direct that 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 the learned Judge, Special Court under NDPS Act-cum-Additional District Judge, 2nd Court, Purulia, subject to condition that petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses 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 in accordance with law without further reference to this Court.

6. The application for bail is, accordingly, allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)