

16.01.2024
Sl. No.8
akd
[ALLOWED]

C. R. M. (NDPS) 2051 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 04.12.2023 in connection with Hili Police Station Case No.45 of 2023 dated 26.02.2023 under Sections 21(c)/22(c)/23(c)/27A of the NDPS Act. (NDPS Case No.21 of 2023)

And

In Re: ***Upen Mahato @ Bhoot***

... .. Petitioner

Mr. Kaushik Choudhury
Ms. Busra Khatoon

... .. for the petitioner

Mr. Iqbal Kabir

... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for about 94 days. It is further submitted no narcotics was recovered from his possession. Principal accused from whom recovery was made has been enlarged on bail. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the prayer for bail and submits petitioner has criminal antecedents.
3. We have considered the materials on record. We find that no narcotic substance was recovered from the possession of the petitioner. Principal accused from whom recovery was made has been enlarged on bail. Keeping in mind the extent of complicity of the petitioner in the alleged crime, we are of the opinion petitioner has been able to rebut the statutory restrictions under Section 37 of the NDPS Act. Under such circumstances and in view of the period of detention suffered by the petitioner, we are of the opinion further detention of the accused/petitioner is not necessary.
4. Therefore, the accused/petitioner, namely ***Upen Mahato @ Bhoot***, be released on bail upon furnishing bond of Rs.10,000/- (Rupees

Ten thousand only), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Judge, Special Court under the NDPS Act-cum-Additional District & Sessions Judge, 3rd Court, Dakshin Dinajpur at Balurghat subject to condition that the said 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 or commit similar offences in future.

5. In the event he fails to appear before the trial court without any justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this court.
6. The application for bail, thus, stands allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)