

NDPS Case No.01 of 2022
JO CODE No.WB00575
CNR No.WBUD01-000108-2022

Order No.22
02.12.2022

The record is put up by petition filed on the grounds stated therein.

One bail petition for accused Matiur Rahaman is filed along with fresh Vokatnama.

The same is moved by Ld. Lawyer who submits inter alia that this accused is innocent person and no way connected with this case. He does not know that the charge sheet has been filed against him and nothing has been recovered from his possession and prays for bail and submits that if he is allowed for bail, he will face the trial.

Ld. PP in charge submits that there is formal objection from his side.

Perused the case record. Perused the case diary.

It appears that charge sheet has been submitted against six accused persons. Out of them the recovery has been made at the spot from four accused persons and charge sheet submitted against two, one Bishal Halder and another this petitioner by showing them absconding and prayed for W/A.

This petitioner is brought under arrest on strength of said W/A.

It is further revealed that nothing has been recovered from the possession of this accused person.

That apart, in original complaint when complainant received source information, the informer did not whisper about the existence of more than four suspects dealing with the alleged narcotic substance elements by riding two motor cycle. Even informer did not disclose the existence of six suspects. In addition to that the names of this petitioner and other have been transpired from the co-accused while they were in custody of the police personnel and when they were over powered by the police.

So the statement before the police is having no significance in evidence.

In addition to that police as well as IO did not submit prayer for police remand of this petitioner for any development of investigation.

Therefore, considering the above facts and circumstances as reflects in case record and case diaries I think that this petitioner has been able to rebut the presumption of guilty and Sec.37 of the NDPS Act is not bar against this petitioner.

As such, the prayer for bail stands allowed and the accused person Matiur Rahaman be enlarged on bail of Rs.6,000/- with two sureties of Rs.3,000/- each to the satisfaction of this court I.d. to J/C.

CD be returned.

If on bail to-date (**12.12.2022**) for appearance and production.

Spl.Judge(NDPS)

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