

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

Order No.26

04.03.2023

The record is put up by petition on voluntary surrender of the charge sheeted accused persons namely, Vishal @ Bishal Haldar. He is taken into custody and remanded to J/C. Recall W/A and PA.

One bail petition for accused Vishal @ Bishal Haldar 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. Further submits that when accused came to know that CS has been filed against him then he first came to know that he has been implicated in this case. Ultimately petitioner prays for bail and further submits that if he is allowed 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.

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 another co-accused Motiur Rahaman has been enlarged on bail.

Therefore, considering the above facts and circumstances as reflects in case record and case diaries and keeping in mind that this accused is on same footing with Motiur Rahaman I think that this petitioner has been able to rebut the restriction as imposed in Sec.37 of the NDPS Act. It is not bar against this petitioner.

As such, the prayer for bail stands allowed and the accused person Vishal @ Bishal Haldar be enlarged on bail of Rs.6,000/- with two sureties of Rs.3,000/- each one must be local to the satisfaction of this court. I.d. to J/C.

CD be returned.

If on bail to-date for appearance.

Spl.Judge(NDPS)

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