

04.12.2020

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**CRM 4751 of 2020
CRAN 1 of 2020
(Via Video Conference)**

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with Nimta P.S. Case No.30 of 2020 dated 13.01.2020 under Sections 21(b) of the NDPS Act and charge sheet submitted under Section 20(b) of the NDPS Act.

And

In the matter of: Abhijit Mallick @ Pocha

....Petitioner.

Mr. Subhajit Chowdhury

...for the Petitioner.

Mr. S.G. Mukherjee, Ld. PP.

Mr. Aniket Mitra

...for the State.

The petitioner undertakes to affirm and stamp the petition as per the Rules within a month of resumption of normal functioning of the court. The petition is taken up through video conference on the basis of such undertaking.

The application being CRAN 1 of 2020 is disposed of.

Having considered the materials on record and keeping in mind the nature of allegations, that is, alleged possession of narcotic substance (800 gms. of codeine mixture), which is below commercial quantity and as there is little progress in the matter, we are of the opinion that petitioner has been able to rebut the statutory restrictions under Section 37 of the NDPS Act and he may be granted bail but subject to strict conditions.

Accordingly we direct that the petitioner shall be released on bail upon furnishing a 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 NDPS, Barrackpore subject to condition that the petitioners shall appear before the trial court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever and on further condition that the petitioner shall not remain within the jurisdiction of Nimta P.S. until further orders except for the purposes of attending court proceedings and shall report to the Officer in charge of the concerned P.S. within whose jurisdiction he shall presently reside once in a week until further orders.

In the event the petitioner fail to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

The application for bail is, accordingly, allowed.

The parties shall act in terms of the copy of the order downloaded from the official website of this Court.

(Suvra Ghosh, J.)

(Joymalya Bagchi, J.)