

08.10.2020
DL No.04
Court No.10
(am)

CRM 6970 of 2020

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with **NCB Crime No.10/NCB/KOL/2020** dated **17.03.2020** corresponding to **NDPS Case No. 81/2020** under Section 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

And

In the matter of: **Tapan Das**

....Petitioner.

Mr. Souvik Mitter,
Mr. Mazhar Hossain Chowdhury
...for the Petitioner

Mr. Y.J. Dastoor, Ld. A.S.G.,
Mr. Phiroz Edulzi,
Mr. Uttam Basak ...for the NCB

The learned counsel appearing on behalf of the petitioner submits that he is an employee under Raju Dutta who was approached by Uttam Chatterjee to send a courier to USA and at the instruction of his employer namely Raju Dutta he shared his ID to facilitate the sending material to USA.

It is submitted that a coordinate bench has already granted bail to the principal accused namely Raju Dutta and accordingly there is no reason that the petitioner should be kept under custody.

Learned Additional Solicitor General opposes the prayer for bail of the petitioner and he submits that a complaint has been filed and notices have been sent to the alleged consignor.

It is submitted that the prosecution is contemplating to challenge the order passed by a coordinate bench on 28th August, 2020.

Considering the alleged complicity of the petitioner, the length of the custody he has already suffered, the fact that the seized material is less than of commercial quantity and the fact that a chargesheet has already been filed in this case, we are inclined to grant bail to the petitioner.

Accordingly, we direct that the petitioner shall be released on bail upon furnishing bond of Rs. 10,000/- (Rupees Ten Thousand only) with two sureties of like amount, one of whom shall be local, to the satisfaction of the Learned Special Court, NDPS Act, Barasat, North 24 Parganas and on further condition that the petitioner shall regularly attend Court and shall not leave the jurisdiction of the district of South 24 Parganas except for attending court until further orders, failing which the Learned Trial Court shall be at liberty to cancel the bail granted to the petitioner without any further reference to this Court.

The application for bail being CRM 6970 of 2020 is allowed.

All parties are to act on a website copy of this order on the usual undertaking.

(Saugata Bhattacharyya, J.)

(Soumen Sen, J.)