

19.10.2020
KC (32)

C.R.M. 8187 of 2020

(Via Video Conference)

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Santipur Police Station Case No. 593 of 2018 dated 25.12.2018 under Sections 21(c)/23 of the Narcotic Drugs and Psychotropic Substances Act.

In the Matter of : Shovon Nandi @ Mantu
.... petitioner.

Ms. Aindrila De,
Mr. Nabankur Paul.....For the petitioner.

Mr. Binay Kumar Panda,
Ms. Pushpita Saha.....For the State.

The advocate-on-record for the petitioner undertakes to affirm and properly stamp the petition as per the rules within forty eight hours of resumption of normal functioning of the court. The petition is taken up through video conference on the basis of such undertaking.

This case is very similar to Criminal Appeal No. (s) 245/2020 [@SLP(Crl.) No. 8823/2019] (Chitta Biswas alias Subhas -vs- The State of West Bengal) decided by the Supreme Court on 7th February, 2020.

In our case the applicant was in possession of above commercial quantity of codeine mixture. The alleged offence was discovered on 25th December, 2018. On the same day the petitioner was arrested. Charge was framed in December, 2019. Thereafter, nothing has happened.

We set out the above judgment of the Supreme Court dated February 7, 2020 (Criminal Appeal No. (s) 245/2020) :

“Leave granted.

This appeal arises out of the final Order dated 30.7.2010 passed by the High Court at Calcutta in CRM No. 6787 of 2019.

The instant matter arises out of application preferred by the appellant under Section 439 Cr. P.C. seeking bail in connection with Criminal Case No. 146 of 2018 registered with Taherpur Police Station for offence punishable under Section 21-C of the Narcotic Drugs and Psychotropic Substances Act, 1985.

According to the prosecution, the appellant was found to be in possession of narcotic substance i.e. 46 bottles of phensydryl cough syrup containing codeine mixture above commercial quantity.

The appellant was arrested on 21.07.2018 and continues to be custody. It appears that out of 10 witnesses cited to be examined in support of the case of prosecution four witnesses have already been examined in the trial.

Without expressing any opinion on the merits or demerits of the rival submissions and considering the facts and circumstances on record, in our view, case for bail is made out. We therefore, allow this appeal and direct as under:

(a) Subject to furnishing bail bond in the sum of Rs. 2 lakhs with two sureties to the satisfaction of the Judge, Special Court, NDPS Act, Nadia at Krishnagar, the appellant shall be released on bail.

(b) The Special Court may impose such other conditions as it deems appropriate to ensure the presence and participation of the appellant in the pending trial.

With the aforesaid directions, the appeal stands allowed.

(UDAY UMESH LALIT)J.
(VINEET SARAN)J.”

Since the case at hand is identical, we allow this application for bail.

The petitioner will be released on bail upon furnishing security of Rs.2,00,000/- (Rupees two lacs) (following the above Supreme Court ruling) together with personal release bond of equivalent value to the satisfaction of the appropriate court in Nadia. The petitioner must, however, attend on every date fixed for trial and in the event of failing to do so, the trial court shall be at liberty to cancel the bail of the petitioner without any reference to this Court. We impose an added condition that the petitioner shall not leave the limits of the local police station without the permission of the inspector-in-charge or of the jurisdictional court.

CRM 8187 of 2020 is disposed of.

(I.P. MUKERJI, J.)

(MD. NIZAMUDDIN, J.)