

(Via Video Conference)

CRM 861 of 2021

In re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Memari Police Station** Case No. **416 of 2020** dated **12.09.2020** under Sections **20(b)(ii)(c)/29** of the Narcotic Drugs and Psychotropic Substances Act, 1985.

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In the matter of : Bapi Samanta @ Nilmoni Samanta

.... Petitioner.

Mr. R. Mukherjee,
Mr. R. Sinha,

... For the Petitioner.

Mr. S. Bhattacharyya,
Mr. Md. Kutufuddin,

... For the State.

The charge is under the provisions of the Narcotic Drugs and Psychotropic Substances Act, 1985.

The petitioner says that Sk. Sadek, a co-accused, who stands on the same footing as the petitioner was granted bail by a coordinate bench of this Court on February 15, 2021. The seizure from the petitioner and Sk. Sadek was of contraband item of less than commercial quantity.

Learned Counsel for the State opposes the prayer for bail and submits that in all about 43 kgs of ganga was seized from the accused persons taken together.

We have considered the material in the case diary and the facts and circumstances of the case. Since, a co-accused standing on the same footing has been granted bail by a Co-ordinate Bench of this Court, we are inclined to extend the same privilege to the petitioner also.

Accordingly, we direct that the petitioner shall be released on bail upon furnishing a bond of Rs. 10,000/- , with two sureties of like amount each, one of whom must be local, to the satisfaction of the Learned Special Judge, under the NDPS Act, Purba Burdwan, on further conditions that he shall not leave the jurisdiction of the concerned police station and shall report to the Officer-in-Charge of the concerned police station once in a fortnight until further orders.. The petitioner 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.

In the event the petitioner fails to adhere to any of the conditions stipulated above without justifiable cause, the trial court shall be at liberty to cancel the petitioner's bail in accordance with law without further reference to this court.

The application for bail is, accordingly, allowed.

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

(Suvra Ghosh, J.)

(Arijit Banerjee, J.)