

01.03.2021

Court No.28
rpan / 47

CRM 673 of 2021
(Via video Conference)

In Re:- An application for bail under section 439 of the Code of Criminal Procedure ;

And

In Re : **Gobinda Malakar**

- Petitioner

Mr. Dipayan Kundu

For the Petitioner.

Mr. Binay Panda,

Ms. Pushpita Saha

For the State.

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Habibpur Police Station Case No. 293 of 2020 dated 31.08.2020 under Sections 20(b)(ii)(B)/27 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

Learned advocate for the petitioner submits that the petitioner is in custody since 31st August, 2020 and the subject-matter of seizure relates to 2.025 kgs. of contraband (ganja) seized from the possession of the present petitioner. Learned advocate submits that as the subject-matter involved is of intermediate quantity, the petitioner may be enlarged on any stringent condition.

Mr. Panda, learned advocate appearing for the State opposes the petitioner's prayer but, however, submits that there is only one seizure list and the subject-matter involves 2.025 Kgs. of

contraband (ganja), as has been submitted by the learned advocate for the petitioner.

We have taken into account the materials in the case diary and having regard to the fact that intermediate quantity of contraband is involved, the provisions of Section 37 of the NDPS Act are not attracted and as such, the petitioner may be enlarged on bail, as he is in custody for a substantial period of time. As such, prayer for bail of the petitioner is allowed.

Accordingly, we direct that the petitioner, namely, **Gobinda Malakar**, 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 Judge, Special Court under N.D.P.S. Act, Malda. The petitioner shall meet with the Officer-in-Charge of the Police Station once a week on and from 8th March, 2021 until further orders.

The application for bail, being CRM No. 673 of 2021, is disposed of.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Tirthankar Ghosh, J)

(Tapabrata Chakraborty, J)