

15.03.2021
Court No.28
Item No. 21
Krishnendu
Bail Granted

**C.R.M.773 of 2021
(Via video Conference)**

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

And

In Re : **Mukul Sk.**

Petitioner

Ms. Sinthia Bala

Mr. Diptendu Banerjee

For the Petitioner

Mr. Binay Panda

Mr. Subham Bhakat

For the State

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Raghunathganj Police Station Case No. 122 of 2020 dated 21.02.2020 under sections 18(c) and 27(b) of the Drugs and Cosmetics Act, 1940 and section 21(C) of the Narcotic Drugs and Psychotropic Substances Act.

The learned advocate for the petitioner submits that the petitioner was arrested on or about 21st February, 2020 and the allegation of the prosecution was recovery of 22 Yaba tablets along with Caffeine (45-60 gm.). It is specifically submitted by the learned advocate that the quantity, so recovered, do not attract the provisions of section 37 of the N.D.P.S. Act and as such the petitioner may be released on bail.

Mr. Panda, learned advocate appearing for the State submits that supplementary charge sheet has also been filed along with the chemical examiner's report. The chemical

examiner's report reflects that so far as Yaba tablets are concerned, the same are covered under the N.D.P.S. Act while Caffeine is not covered under the provisions of the N.D.P.S. Act.

We have taken into account the materials available in the case diary and having regard to the quantum, which has been seized from the possession of the petitioner, the same appears to be below the commercial quantity, as prescribed under the Act and as such the provisions of section 37 of the N.D.P.S. Act are not attracted and the petitioner, being in custody for more than a year, may be released on bail. Accordingly, the prayer for bail of the petitioner is allowed.

Hence, we direct that the petitioner, namely, **Mukul Sk.** 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, Berhampore, Murshidabad . While on bail, the petitioner shall meet with the Officer-in-Charge of Raghunathganj Police Station once a week until further orders.

With the aforesaid observations, the application for bail, being CRM No.773 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)

