

13.04.2021
SL No.127
Court No.28
(gc)
(Allowed)

CRM 1609 of 2021
(Via video Conference)

In Re:- An application for bail under section 439 of the Code of Criminal Procedure filed in connection with Kotwali Police Station Case No.65/2021 dated 22.01.2021 under Section 20(B) of the N.D.P.S. Act.

And

In the matter of : **Jaydeb Mallick & Ors.**

- Petitioners

Mr. Arnab Chatterjee,
Mr. Amanul Islam,
Mr. Sourav Mukherjee,
... For the Petitioners.

Mr. B. Panda,
Mr. S. Bhakat,
... For the State.

Learned Advocate for the petitioners submits that the petitioners are in custody since 12th January, 2021 and the quantity of contraband, so allegedly seized, is 5kg 100gram which is well below the commercial quantity.

Learned Advocate for the State does not dispute such proposal with regard to the quantity of contraband, so seized from the three petitioners, is well below the commercial quantity.

Having regard to the fact that the recovery of 5kg 100 gram Ganja, which is below commercial quantity thereby not attracting the provision of Section 37 of the N.D.P.S. Act and considering the period of detention of the present petitioners, we are of the opinion that further detention of the petitioners are unwarranted. As such, the prayer for bail is allowed.

Accordingly, we direct that the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/- each 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, Nadia subject to the condition that the petitioners 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 and on further condition that the petitioners shall stay outside the jurisdiction of Kotwali Police Station and shall not enter the said jurisdiction except for meeting the Investigating Officer and/or attending the Court proceeding and shall meet the Investigating Officer once a week until further orders and shall disclose their present addresses to the Investigating Officer and with a further condition to comply with the provision of Section 437(3) of the Code of Criminal Procedure. We also direct the trial court to expedite the trial and conclude it as expeditiously as possible.

In the event the petitioners fail to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel their bail, in accordance with law, without further reference to this Court.

With the aforesaid observations, the application for bail, being CRM No.1609 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.)

(Soumen Sen, J.)