

(Via Video Conference)

CRM 2026 of 2021

In re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Monteswar Police Station** Case No. **147 of 2018** dated **06.07.2018** under Sections **21(c)/29** of the NDPS Act.

- A n d -

In the matter of : Pradip Bala alias Akash

.... Petitioner.

Mrs. Minoti Gomes,

... For the Petitioner.

Mr. Swapan Banerjee,
Mr. Suman De,

... For the State.

It is not in dispute that there was no recovery of contraband substance from the petitioner. His name came up in the statements given by co-accused persons. However, he was already in custody in connection with another case on the day the recovery of contraband item was made. He says that he has been in custody for about 1055 days.

We have considered the material in the case diary and the overall facts and circumstances of the case. The restriction in Section 37 of the Narcotic Drugs and Psychotropic Substances Act, 1985 is not attracted since there was no recovery from the petitioner.

On an overall assessment of the facts and circumstances of the case, we are of the view that the petitioner's prayer for bail may be allowed.

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 Judge, Special Court under NDPS Act, Purba Burdwan and 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.)