

47 19.08.2021
rkd Ct. no.32
(Allowed)

C.R.M. 2957 of 2021
(Through Video Conference)

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Hogalberia** P.S. Case No. **159 of 2019** dated **09/09/2019** under Sections **188/353/34** of the Indian Penal Code read with Section **21(c)** of the NDPS Act.

And

In the matter of: Binod Sarder @ Vinod

....petitioner.

Mr. Debarshi Brahma

...for the petitioner.

Mr. Saswata Gopal Mukherjee, Ld. P.P.,
Mr. Sanjoy Bardhan,
Ms. Manisha Sharma

...for the State.

Admittedly there was no recovery of contraband articles from the petitioner. 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.

Charge sheet has been filed showing the petitioner as “absconding”. On an overall assessment of the facts and circumstances of the case, we are inclined to hold that the petitioner’s prayer for bail may be allowed.

Accordingly, 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, Krishnagar, Nadia subject to the condition that during bail 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 order. The petitioner shall appear before the trial court on every date of hearing until further orders and he shall not intimidate witnesses and/or tamper with evidence in any manner whatsoever or commit similar offences in future.

In the event the petitioner fails to comply with the conditions stipulated above without justifiable cause, it is open to the trial court to cancel the petitioner's bail without any 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.)