

04.08.2021

Sl. No. 29

Srimanta

Ct. No. – 28

D/L

CRM/3590/2021

(Via Video Conference)

In Re : An application for bail under Section 439 of the Code of Criminal Procedure, 1973 in connection with Kaliganj Police Station Case No. 123/2021 dated 12.03.2021 under Section 21(b) of the NDPS Act corresponding to NDPS Case No. 29/2021.

In the matter of : Bibhash Sarkar.

... petitioner.

Mr. Prabir Majumder, Adv.,
Mr. Snehansu Majumder Adv.

...for the petitioner.

Mr. Neguive Ahamed, APP,
Mrs. Trina Mitra, Adv.,
Mr. Z. N. Khan, Adv.

...for the State.

The petitioner is in custody for nearly 143 days in connection with the aforesaid case. It appears from the record that the contraband was recovered from his exclusive possession below the commercial quantity. Therefore, the rigour of Section 37 of the NDPS Act has no manner of application. The charge-sheet has also been filed. Considering the above fact, we do not think that further detention of the petitioner is at all necessary.

Accordingly, the petitioner, namely, Bibhash Sarkar is released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of like amount each, one of whom must be local, to the satisfaction of the Learned Judge, Special Court, NDPS Act, Nadia, at Krishnagar and on condition that the petitioner shall not live within the jurisdiction of Kaliganj Police Station where the case has been

launched. However, the petitioner shall disclose his place of residence to the Officer-in-Charge of Kaliganj Police Station on being released from the Correctional Home and shall meet the Officer-in-Charge of the concerned Police Station where he would be living on every weekend and he will not tamper the evidence and intimidate the witnesses to be examined during trial. The aforesaid conditions shall be relaxed only for the purpose of attending the Court when the matter would be listed. In default of the conditions so put, it would be open to the concerned Judge to pass an appropriate order as the situation may warrant without any further reference to this Court.

As such, the prayer for bail is **allowed**.

The application being CRM 3590 of 2021 is, accordingly, **disposed of**.

(Bibek Chaudhuri, J.)

(Harish Tandon, J.)