

03.08.2021
Item no. 46
Court No.32.
S.De.(s)
(Allowed)

(Via Video Conference)

CRM 3681 of 2021
With
IA No. CRAN/1/2021

In Re: An application for Bail under Section 439 of the Code of Criminal Procedure filed on 28.04.2021 in connection with Sankrail Police Station Case No. 973 of 2020 Dated 16.10.2020 under Sections 21 (C)/29 of the Narcotic Drugs and Psychotropic Substances Act.

And

In the matter of : Ayush Raj & Ors.

.....Petitioners.

Mr. Subir Gangully, Advocate,
Mr. Suman De, Advocate,
Mr. Dibakar Sardar, Advocate,
Mr. Sumanta Gangully, Advocate,

.....for the Petitioners.

Mr. Swapan Banerjee,
Mrs. Purnima Ghosh, Advocate,

.....for the State.

The petitioners are in custody for about 290 days and have been charged with offences under the NDPS Act, 1985.

It is not in dispute that no contraband article was recovered from the possession of the petitioners and their names transpired from the statement of co-accused persons.

It is pointed out by learned counsel for the State that the contraband articles were recovered on the basis of the

statement of the petitioners. It is also not in dispute that the petitioners were in custody in connection with other cases when the contraband was seized from the co-accused. It is informed that charge sheet has been submitted upon completion of investigation.

Having considered the material in the case diary and in view of the fact that no recovery of contraband article was recovered from the possession of the petitioners and their names have transpired from the statement of the co-accused before the police officer which is inadmissible in evidence, we are inclined to hold that Section 37 of the NDPS Act is not attracted and the petitioners may be granted bail.

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 Special Judge, N.D.P.S., Howrah and on further conditions that they shall remain within the jurisdiction of the concerned police station and they shall report to the Officer-in-Charge of the concerned police station once in a fortnight until further orders. 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.

In the event the petitioners fail to adhere to any of the conditions stipulated above without justifiable cause, the

trial court shall be at liberty to cancel the petitioners' bail in accordance with law without further reference to this Court.

The application for bail is, accordingly, allowed.

CRM 3681 of 2021 is disposed of along with CRAN 1 of 2021.

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.)