

55. 03.08.2021
Ct.32
Tanmoy
Allowed

C.R.M. 3796 of 2021

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on **27.05.2021** in connection with **Bhagwanpur Police Station Case No. 148/2020** dated **27/06/2020** under Sections **20(b)(ii)(c)/29** of the N.D.P.S. Act.

And

In the matter of: - **Sanjay Bhunia**

....petitioner.

Mr. Arindam Jana

...for the petitioner.

Mr. S.S. Imam,
Mr. S. Kundu

...for the State.

The petitioner has been charged with offences under the Narcotic Drugs and Psychotropic Substances Act, 1985. We have considered the material on record. It is not in dispute that no contraband article was recovered from the petitioner and his name has transpired from the statement of the co-accused who is in custody.

It is submitted on behalf of the State that charge has been framed and trial is about to commence.

Upon consideration of the material available in the Case Diary and in view of the fact that no contraband article has been recovered from the petitioner, we are inclined to hold that the statutory restrictions under Section 37 of the Narcotic Drugs and Psychotropic Substances Act, 1985 are not attracted and the petitioner may be granted bail.

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 learned Judge, Special Court at Tamluk, Purba Medinipur on condition that the petitioner shall appear before the trial Court on every date of hearing and shall meet the Officer-in-Charge of the Police Station within the jurisdiction of which he resides once in a fortnight until further orders and shall not leave the district without leave of the Officer-in-Charge. The petitioner is further directed not to intimidate the witnesses and/or tamper with evidence in any manner whatsoever and shall not commit similar offence in future.

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 being C.R.M. 3796 of 2021 is, accordingly, disposed of.

All parties shall act in terms of server copy of this order downloaded from the official website of this Court.

(Suvra Ghosh, J.)

(Arijit Banerjee, J.)