

23.08.2021

Court No.28
Item No.39
(ALLOWED)

Ab

CRM 4234 of 2021
(Via Video Conference)

In Re:- An application for bail under section 439 of the Code of Criminal Procedure filed on 21.06.2021 in connection with Krishnaganj Police Station Case No. 51 of 2021 dated 12.03.2021 under Section 20(B) of the Narcotic Drugs and Psychotropic Substances Act;

And

In the matter of : **Sufal Biswas.**

...Petitioner

Mr. Prabir Majumder.

...For the Petitioner

**Mr. Prasun Kumar Dutta,
Mr. Sanjay Bardhan,
Mr. Palash Maji.**

... For the State

The Advocate-on-record of the petitioner undertakes to affirm and stamp the petition/application as per the Rules within four weeks from date. Subject to such undertaking, the application is taken up for hearing.

The petitioner has filed the instant application for bail under Section 439 of the Code of Criminal Procedure after being arrested in connection with Krishnaganj Police Station Case No. 51 of 2021 dated 12.03.2021 under Section 20(B) of the Narcotic Drugs and Psychotropic Substances Act.

It transpires that the petitioner was apprehended with 5 kilograms of Ganja. The amount is of intermediate quantity and, therefore, rigor to Section 37 of the Narcotic Drugs and Psychotropic Substances Act will not apply in the instant case.

Since the accused is in custody for 165 days and charge-sheet has been submitted, custodial interrogation of the petitioner is not

necessary.

Accordingly, the petitioner shall be 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 under NDPS Act, Nadia, subject to the condition that the petitioner shall appear before the Trial Court on every date of hearing until further orders.

In the event the petitioner fails to do so without any justifiable cause, the Trial Court shall be at liberty to pass necessary order in accordance with law without any further reference to this Court.

The application for bail, being CRM 4234 of 2021, is thus **allowed.**

(Harish Tandon, J)

(Bibek Chaudhuri, J.)