

(Via Video Conference)

CRM 4258 of 2021

In re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Hogolberia Police Station** Case No. **61 of 2021** dated **25.03.2021** under Section **20 (b) (ii) (C) & 21 (b)** of the NDPS Act.
- A n d -

In the matter of : Hanif Sk @ Sekh & Anr.

.... Petitioners.

Mr. Sumanta Das

... For the Petitioners.

Mr. P.K. Dutta

Mr. Prodipta Ganguly

... For the State.

The allegation is that the 10 kilograms of ganga was recovered from the joint possession of the petitioners. 10 kilograms is intermediate quantity. Accordingly, the restrictions in Section 37 of the Narcotic Drugs and Psychotropic Substances Act, 1985 would not be attracted.

The charge sheet has been submitted. We have considered the material in the case diary. The petitioners have been in custody for about 145 days.

On an overall assessment of the material on record we are of the view that further custodial detention of the petitioners is not necessary.

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 Learned Judge, Special Court under N.D.P.S. Act, Krishnanagar, Nadia and

on further conditions that 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 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.

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.)