

23.09.2021
Item no.57.
Court No.32.
AB
(Allowed)

(Via Video Conference)

CRM No. 4516 of 2021

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure filed on 5.7.2021 in connection with Mogra Police Station Case No.195 of 2019 Dated 13.8.2019 under Section 20(b)(ii)(C) of the NDPS Act

And

In the matter of : Kartick Malo

.....Petitioner.

Ms. Sibangi Chattopadhyay,
Mr. Sobhan Biswasfor the Petitioner.

Mr. Sanjay Bardhan,
Ms. Manisha Sharmafor the State.

Admittedly, there was no recovery of contraband items from the petitioner. He has been implicated on the basis of statements made by co-accused persons. In view of there being no recovery from the petitioner, the restriction in Section 37 of the NDPS Act would not be attracted.

We have seen the material in the case diary. The vehicle from which the contraband was seized also does not belong to the petitioner. A co-accused has been granted bail by this Court on August 31, 2021. The petitioner seems to be similarly circumstanced. Charge sheet has already been submitted.

In view of the aforesaid and on an assessment of the material in the case diary and the possible extent of complicity of the petitioner in the alleged offence and considering that the petitioner is in custody for about 229 days, we are of the view that further custodial detention of the petitioner is not necessary.

Accordingly, we direct that the petitioner, namely Kartick Malo 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 the learned Judge, Special Court under the NDPS Act at Hooghly, and on further conditions that he shall remain within 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 petitioner 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 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 is, accordingly, allowed.

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

(Bivas Pattanayak, J.)

(Arijit Banerjee, J.)