

CRM 4554 of 2021

In re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Habra Police Station** Case No. **346 of 2021** dated **25.06.2021** under Sections **20(b)(ii)(B)/29** of the NDPS Act.

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In the matter of : Raju Chakraborty & Ors.

.... Petitioners.

Mr. Soubhik Mitter,
Mr. Litan Maitra,
Ms. R. Das,

... For the Petitioners.

Mr. Sudip Ghosh,
Mr. B. Banerji,

... For the State.

Intermediate quantity of ganja (16 kgs) was recovered from the joint possession of the petitioners. In view of there being recovery of less than commercial quantity the restriction in Section 37 of the Narcotic Drugs and Psychotropic Substances Act, 1985 would not be attracted.

We are told that the petitioners are in custody for 67 days. Charge sheet has been submitted.

We have seen the material in the case diary. On an overall consideration of the facts and circumstances of the case and the *prima facie* involvement of the petitioners in the commission of the alleged offence, 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 Additional Sessions

Judge, 6th Court cum NDPS Court, Barasat, North 24 Parganas and on further conditions that they 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.

(Bivas Pattanayak, J.)

(Arijit Banerjee, J.)