

07.09.2021
tkm/ct 29
sl no. 35

C.R.M. 5839 of 2021

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Bongaon P.S case no. 324/2021 dated 8.5.2021 under sections 20(b)(ii)(B) of the NDPS Act
And

Allowed

In Re : Akul Sarkar petitioner

Mr. U S Chattopadhyay
Mr. S S Chatterjee
Mr. Santanu Maji
Ms. Snigdha Saha

..... for the petitioner

Mr. Binay Panda
Mr. S Bhakat
Ms. Puspita Saha

..... for the State

Petitioner seeks bail.

Learned advocate for the petitioner submits that the substance claimed to be recovered from the possession of the petitioner is not of commercial quantity. Furthermore, he was not present at the time of seizure. Police submitted charge sheet. Therefore, further detention of the petitioner is not necessary.

Learned advocate for the State opposes the prayer for bail and draws attention of this Court to the seizure list. He fairly submits that seized substance is not of commercial quantity.

Having considered materials on record and bearing in mind the facts and circumstance of the case and considering the fact that the seized substance is not of commercial quantity and as charge sheet was submitted, we are inclined to grant bail to the petitioner.

Accordingly, the petitioner 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 Additional Sessions Judge, 6th Court, Barasat, North 24 Parganas on condition that the petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event he fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this court.

The application being CRM 5839 of 2021 is disposed of.

(Ananda Kumar Mukherjee, J.)

(Debangsu Basak, J.)