

23.09.2021
Item no.28.
Court No.32.
AB
(Allowed)

(Via Video Conference)

CRM No. 5981 of 2021

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure filed on 06.09.2021 in connection with Serampore Police Station Case No.201 of 2021 Dated 7.6.2021 under Section 20(b)(ii)(B) of the NDPS Act

And

In the matter of : Tapas Das @ Hulo

.....Petitioner.

Mr. Sudip Ghosh Choudhury,
Mr. Argha Das,
Mr. Abhishek Bosefor the Petitioner.

Mr. Sanjay Bardhan,
Ms. Baishakhi Chatterjee.....for the State.

4.3 kilograms of ganja (intermediate quantity) was allegedly recovered from the petitioner. In that view of the matter, the restriction in Section 37 of the NDPS Act would not be attracted.

The petitioner says that he has been falsely implicated. Charge sheet has been submitted. He is in custody for about 107 days. His further custodial detention is not necessary.

We have seen the material in the case diary. Prima facie, the petitioner's complicity in the alleged offence is doubtful. Charge sheet has been submitted upon completion of investigation.

The State says that another case under the NDPS Act is pending against the petitioner. The petitioner says that he has been enlarged on bail in that case.

On an overall consideration of the facts and circumstances of the case and keeping in mind the nature of the allegations, we are of the view that further custodial detention of the petitioner is not necessary.

Accordingly, we direct that the petitioner, namely Tapas Das @ Hulo 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.)