

23.09.2021  
Item no.29.  
Court No.32.  
AB  
**(Partly  
Allowed)**

**(Via Video Conference)**

**CRM No. 5984 of 2021**

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure filed on 08.09.2021 in connection with Krishnaganj Police Station Case No.156 of 2020 Dated 27.7.2020 under Section 21(C) of the NDPS Act

**And**

**In the matter of : Lakshikanta Halder & Anr.**

**.....Petitioners.**

Mr. K. K. Bhattacharya,  
Mr. Kaushik Dey,  
Mr. S. M. Alam .....for the Petitioners.

Mr. Arijit Ganguly,  
Mr. Avik Ghatak .....for the State.

The petitioners pray for bail. They say that there was no recovery of contraband items from them. Their names have transpired from the statements made by co-accused persons.

We have seen the seizure list. The petitioner no.1 is clearly mentioned as one of the persons from whose possession commercial quantity of contraband items was recovered. In view of the restriction in Section 37 of the NDPS Act, we are not inclined to allow his prayer for bail.

The petition is dismissed insofar as the petitioner no.1 is concerned.

There is no mention of the petitioner no.2 in the seizure list. The State fairly admits that the petitioner no.2 is similarly circumstanced as another co-accused person, who has been granted bail by a Coordinate Bench of this Court on July 27, 2021 in CRM No.3786 of 2021.

In view of there being, *prima facie*, no recovery from the petitioner no.2, the restriction in Section 37 of the NDPS Act will not be attracted insofar as he is concerned.

On an overall assessment of the material on record and considering that the petitioner no.2 has been in custody for about 421 days, we are inclined to allow his prayer for bail.

Accordingly, we direct that the petitioner no.2, namely Dhirendranath Chakraborty 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 Nadia, 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 no.2 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 no.2 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, partly 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.)**