

24.12.2021
Court No.32
Item No. 15
Avijit Mitra

C.R.M. 7831 of 2021

In Re:- An application for bail under section 439 of the Code of Criminal Procedure ;

And

In Re : Madhusudan Bhuin

.... petitioner

Mr. Uttam Kumar Pradhan

...for the petitioner

Mr. Sanjoy Bardhan,

...for the State

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Patrasayer Police Station Case No.116 of 2021 dated 15.10.2021 under sections 20(b) of the Narcotic Drugs and Psychotropic Substances Act.

Mr. Pradhan, learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated. The alleged recovery of contraband substance from the petitioner is of intermediate quantity being 1.2 Kgs. of ganja. He is languishing in custody for more than 71 days. In the said conspectus, further detention is not necessary.

Mr. Bardhan, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to the seizure list and other documents in the case diary.

Heard the learned advocates for the respective parties and considered the materials in the case diary.

It appears that 1.2 Kgs of ganja was found in the bag of the petitioner and on the same date and time 1.1 Kgs. of ganja was recovered from the bag of one Toofan Bauri. As an intermediate quantity of contraband substance has been recovered from the possession of the petitioner, we are of the opinion that the rigors of Section 37 of the N.D.P.S. Act is not attracted and since he had already suffered incarceration for about 71 days, further detention is not necessary.

Accordingly, we allow this application and direct that the petitioner, namely, **Madhusudan Bhuin**, 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 a local, to the satisfaction of the learned Additional District and Sessions Judge, 1st Court & Special under N.D.P.S. Act, Additional District & Sessions Judge, Bankura with a further condition that the petitioner shall not leave the jurisdiction of Patrasayer Police Station until further orders save and except for attending the learned Court below on all the dates as specified for hearing.

The petitioner shall not intimidate the witnesses or tamper with evidence in any manner whatsoever.

It is made clear that in the event the petitioner fails to comply with the aforesaid directions without any justifiable cause, the learned trial court would be at liberty to cancel his bail without any further reference to this Court.

With the aforesaid observations, the application for bail, being CRM No. 7831 of 2021, is disposed of.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Sugato Majumdar, J)

(Tapabrata Chakraborty, J)