

24.12.2021

Court No.32
rpan/39

CRM 8045 of 2021

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

And

In Re : **Sk. Adil**

- Petitioner

Mr. Soumik Ganguly
... for the Petitioner.
Mr. Swapan Banerjee,
Mr. Suman de
... for the State.

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Bankura Police Station Case no.173 of 2021 dated 05.08.2021 under Section 21(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

Heard Mr. Ganugly, learned advocate appearing for the petitioner and Mr. Banerjee, learned advocate appearing for the State.

It appears that an intermediate quantity of contraband substance, being 5.3 kgs. of ganja was recovered from the possession of the petitioner and in view thereof, the rigors of Section 37 of the NDPS Act are not attracted. The petitioner had already suffered incarceration for about 141 days and as such, further detention of the petitioner is not warranted, more so when, upon completion of investigation, charge sheet has been submitted.

Accordingly, we allow this application and direct that the petitioner, namely, **Sk. Adil**, 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 Sessions Judge, 1st Court, Bankura cum Special Court under N.D.P.S. Act, Bankura.

It is further directed that the petitioner shall attend the learned court below on the dates specified for hearing and shall not tamper with the evidence and/or intimidate the witnesses in any manner whatsoever.

In the event the petitioner fails to comply with the aforesaid directions, without any justifiable cause, the learned court below shall be at liberty to cancel his bail, in accordance with law, without further reference to this Court.

With the aforesaid observations, the application for bail, being CRM No.8045 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)