

15.02.2021
Court No.28
Item No. 20
Krishnendu
Bail Granted

C.R.M.11119 of 2020
(Via video Conference)

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

And

In Re : **Debanand Sahani @ Raja & Anr.**

Petitioners

Mr. Uday Sankar Chattopadhyay

Mr. Suman Sankar Chatterjee

Mr. Santanu Maji

Ms. Snigdha Saha

For the Petitioners

Mr. Sanjoy Bardhan

Mr. Palash Chandra Majhi

For the State

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioners in connection with Memari Police Station Case No. 416 of 2020 dated 12.09.2020 under sections 20(b)(ii)(C)/22(C)/29 of the Narcotic Drugs and Psychotropic Substances Act (Special Case No. 24 of 2020).

The learned advocate appearing for the petitioners submits that the petitioner no. 1 is in custody for 87 days and the petitioner no. 2 is in custody for 146 days. According to the learned advocate for the petitioners, 7.5Kgs. of contraband (Ganja) was recovered from the petitioner no. 1 and his associate and 5.5 kgs. of contraband (Ganja) was recovered from the petitioner no. 2 and his associate. The learned advocate further submits that the investigation of the case has been concluded and similarly placed accused person was granted bail by a co-ordinate Bench of this Court.

Mr. Bardhan, learned advocate appearing for the State draws the attention of this Court to the relevant seizure list showing that recovery has been made and submits that the subject-matter of the case involves recovery of intermediary quantity of contraband as prescribed under the Act.

We have taken into account the factum of recovery, which is available in the seizure list, enclosed with the case diary and on an appreciation of the same, we are of the opinion that the provisions of Section 37 of the NDPS Act is not attracted in this case and further, the investigation has already been concluded. Having regard to the same, we are of the opinion that the petitioners may be released on bail. As such, prayer for bail of the petitioners is allowed.

Accordingly, we direct that the petitioners, namely, **1. Debanand Sahani @ Raja** and **2. Md. Sadek @ Sk. Sadek @ Sadek Ali Sk.** shall be released on bail upon furnishing a bond of Rs. 10,000/- each with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional District & Sessions Judge, 3rd Special Court (NDPS Act), Purba Bardhaman and on further condition that the petitioners shall meet with the Officer-in-charge of Memari Police Station once in a week after their release, until further orders.

With the aforesaid observations, the application for bail, being CRM No.11119 of 2020, is disposed of.

(Tirthankar Ghosh, J)

(Tapabrata Chakraborty, J)

