

CRM (NDPS) 5 of 2022
(via video conference)

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

And

In Re : Ananta Das

.....Petitioner

Mr. Biswajit Manna

.....for the Petitioner

Mr. N. P. Agarwala

Mr. Saryati Dutta

.....for the State

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Balurghat P.S. Case No. 389/2020 dated 07.10.2020 under Sections 21(C)/22(C)/23(C)/25/27A/28/29 of Narcotic Drugs & Psychotropic Substances Act.

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

It appears that no contraband substance above commercial quantity was recovered from the possession of the petitioner and that his name has transpired on the basis of co-accused statement. In view thereof, the statutory restrictions are not attracted. Upon completion of investigation, charge sheet has also been submitted and as such, further detention of the petitioner, who is in custody for about 172 days, is not necessary.

Accordingly, we allow this application and direct that the petitioner, namely, **Ananta Das**, 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 Special Court under the NDPS Act, Dakshin Dinajpur, Balurghat.

The petitioner shall attend the learned Court below on all the dates, as specified for hearing and 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 (NDPS) 5 of 2022, 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.)