

21.02.2022

Court No.32
rpan/12

CRM (NDPS) 83 of 2022

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

And

In Re : **Achinta Sarkar @ Bhagan Sarkar @ Achinto Sarkar
@ Achintya Sarkar**

Petitioner

Mr. Tapodip Gupta

... for the Petitioner.

Mr. Sanjoy Bardhan,

Mr. Nirupam Dhali

... for the State.

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Burwan Police Station Case no.346 of 2021 dated 05.12.2021 under Sections 21(c)/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 [NDPS Case no.275 of 2021].

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 before the police officer, which is inadmissible in evidence. As such, the statutory restrictions are not attracted and in view thereof, we are of the opinion that further detention of the petitioner, who is in custody for 76 days, is not necessary. However, his movement needs to be restricted.

Accordingly, we allow this application and direct that the petitioner, namely, **Achinta Sarkar @ Bhagan Sarkar @ Achinto Sarkar @ Achintya Sarkar** 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 Judge, Special Court under N.D.P.S. Act, Berhampore Murshidabad with a further condition that he shall meet with the investigating officer of the case once a week till investigation is complete and shall not leave the jurisdiction of Raninagar Police Station, save and except for attending the Trial Court on the dates specified for hearing until further orders.

It is further directed that the petitioner 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 (NDPS) 83 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.)