

Via video conference

25.02.22

(S.R.)

Sl.12

Ct.32

Allowed

In re: An application for bail under Section 439 of the Code of Criminal Procedure filed in connection with **Santipur** Police Station Case No.1005 of 2021 dated 29/11/2021 under Section 20(b) of the NDPS Act;

And

In re: Diluwar Sk. @ Dolon @ Dolar

... petitioner.

Mr. Sumanta Das

... for the petitioner.

Mr. Saryati Datta

...for the State.

Mr. Das, learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated and intermediate quantity of contraband substance was recovered from his possession and as such, the statutory restrictions are not attracted. He is languishing in custody for about 896 days and upon completion of investigation charge sheet has also been submitted.

Mr. Datta, learned advocate appearing for the State opposes the petitioner's prayer and submits that 8 grams of heroin was recovered from the possession of the petitioner and as such, the petitioner is not entitled to the relief, as prayed for.

Heard the learned advocates and considered the materials in the case diary.

It appears that intermediate quantity of contraband substance was recovered from the possession of the petitioner and that as such, *prima facie*, the statutory restrictions are not attracted.

In view thereof, we are of the opinion that further detention of the petitioner, who had already suffered incarceration for about 896 days, is not necessary, more so when upon completion of investigation, charge sheet has been submitted.

Accordingly, the petitioner 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 local, to the satisfaction of the Learned Judge, Special Court under NDPS Act, Krishnagar, Nadia with a further condition that the petitioner shall attend the learned trial court on all the dates, as specified for hearing.

It is further directed that 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 the petitioner's bail without any further reference to this Court.

The application for bail being CRM(NDPS) No.94 of 2022 is, accordingly, 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.)