

13.04.2022

Serial no. 67

[Dd]

(Bail **allowed**)

CRM (NDPS) 106 of 2022

In re : An Application for **Bail** under Section **439** of the Code of Criminal Procedure in connection with **T.R. Case No. 43 of 2020** arising out of **Jagacha** Police Station Case No. **178** of **2020** dated **10.09.2020** under Sections **21(c)** of the Narcotic Drugs and Psychotropic Substance Act, 1985.

-And-

In the matter of : Tanmoy Chakraborty @ Riju @Riku

... .. Petitioner

*Mr. Mrityunjoy Chatterjee,
Mr. Debapriya Majumder, Advocates
... .. For the Petitioner*

*Mr. Binay Panda,
Ms. Puspita Saha, Advocates
... ..For the State*

Petitioner seeks bail.

Learned advocate appearing for the petitioner submits that the petitioner is in custody for 1 year and 7 months. No recovery was made from the possession of the petitioner. Seizure was made from an abandoned building with no independent witnesses.

Learned advocate appearing for the State draws the attention of the Court to the materials in the case diary.

Apparently, the petitioner recorded a statement on September 9, 2020. In his statement the petitioner claimed that he was an extortionist. He also claimed that he was in partnership with another person so far as the narcotics are concerned.

The police seized commercial quantity of narcotic from an abandoned building at 20:15 hours on September 10, 2020. The seizure was not witnessed by any

independent person. There is no material connecting the abandoned building to the petitioner.

Significantly, the leading statement was recorded on September 9, 2020. There is no explanation as to why the raid was conducted in the night of September 10, 2020, and that too without independent witnesses.

In such circumstances, we are of the view that the petitioner is able to overcome the restrictions under Section 37 of the NDPS Act, 1985. Consequently, we are inclined to grant bail to the petitioner.

Accordingly, we direct that the petitioner shall be released on bail upon furnishing a bond of Rs. 10,000/- (Rupees Ten Thousand only), with two sureties of like amount each, one of whom must be local, to the satisfaction of the **Learned Judge, Special Court under N.D.P.S. Act, 3rd Court, Howrah** subject to condition that the petitioner shall appear before the learned trial court on every date of hearing until further orders and shall not intimidate witnesses and/or tamper with evidence in any manner whatsoever.

In the event, the petitioner fails to appear before the trial court without any justifiable cause, the trial court shall be at liberty to cancel the bail of the petitioner in accordance with law without further reference to this Court.

The prayer for bail of the petitioner is **allowed**.

CRM (NDPS) 106 of 2022 is **disposed of**.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)

