

24.03.2022

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Ct. No. 29

KAUSHIK

Allowed

C.R.M. (NDPS) 208 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with **NDPS** Case No. **05** of **2021** arising out of NCB Crime No. 04/NCB/KOL/2021 under Sections 8(c) read with Sections 20 b (ii)(C)/23(c)/28/29 of the Narcotic Drugs and Psychotropic Substances Act.

And

In Re : Santosh Kumar Jha

..... petitioner

Mr. Sabyasachi Banerjee

Mr. Anirban Dutta

Mr. Abhra Jena

.....for the petitioner

Mr. Y. J. Dastoor

Ms. Jaita Roy

....for the NCB

Considering the fact that no narcotic was recovered from the possession of the petitioner and considering the fact that the Narcotic Control Bureau submitted charge-sheet and has proceeded against on the basis of the statement of the co-accused made while in custody, we are of the view that the petitioner is able to overcome the restrictions under Section 37 of the NDPS Act, 1985. Consequently, considering the period of detention of the petitioner, we deem it appropriate to enlarge the petitioner on bail.

Accordingly, we direct that 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 Bench I Judge, City Sessions**

Court, Calcutta, subject to the condition that the petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate the 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 without further reference to this Court.

The application for bail is, accordingly, allowed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)