

101 31.03.2022
AD Ct. No.29
(Allowed)

C.R.M. (NDPS) 219 of 2022

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with **NDPS Case No.60/21** arising out of **NCB Crime No.11/NCB/KOL/2021** dated **31/03/2021** under Sections **8(c) r/w 20(b)(ii)(c)** of the Narcotic Drugs and Psychotropic Substances Act, 1985.

And

In the matter of: Ananda Basak

....petitioner.

Mr. Soumya Nag

...for the petitioner.

Mr. Y.J. Dastoor, Ld. ASG

Mr. Uttam Basak.

...for the NCB.

Petitioner seeks bail.

Learned Advocate appearing for the petitioner submits that the petitioner is in custody for 117 days. The NCB filed a complaint before the jurisdictional Court. The NCB is seeking to proceed against the petitioner on the basis of the statement of the co-accused made while in custody.

Learned Additional Solicitor General appearing for the NCB submits that although the petitioner was named as the person through whom the consignment was to be delivered, at this stage, NCB are not in a position to correlate the nexus between the petitioner and the person arrested with the commercial quantity of narcotics.

Considering the fact that the NCB at this stage are unable to establish any nexus between the petitioner and the person arrested with the commercial quantity of narcotics, we are of the view that the petitioner is able to overcome the restrictions under Section 37

of the NDPS Act, 1985. Consequently, we grant bail to the petitioner.

Accordingly, the petitioner 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 NDPS Act, Berhampore, Murshidabad, subject to the condition that during bail the petitioner shall appear before the learned trial court on the date fixed till disposal of the trial and that the petitioner shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to comply with the conditions as enshrined hereinbefore, it is open to the trial court to cancel the bail without any further reference to this Court.

The application for bail being **C.R.M. (NDPS) 219 of 2022** is, thus, disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)