

CRM (NDPS) 244 of 2022

07.03.2022
Sl. 44
Court No.29
(sourav)
(Allowed)

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on **23.02.2022** in connection with **Balurghat** Police Station Case No. **228** of **2019** dated **08.04.2019** under Sections **21(c)/22(c)/23(c)/27A/28/29** of the NDPS Act.

And

In the matter of: **Sanjib Bhattacharjee @ Santu @ Bhatta**
....petitioner.

Mr. Kaushik Chaudhury
Ms. Busra Khatun

...for the petitioner.

Mr. Sanjay Bardhan
Mr. Palash Chandra Maiti

... for the State.

The application for bail is taken up for consideration subsequent to the order dated February 28, 2022. Noticing the fact that by this application, the petitioner renews the prayer for bail and noticing the fact that the earlier order of rejection of bail recorded that the commercial quantity of narcotic was seized from the joint possession of the petitioner, a direction was issued to the State to produce the original case diary.

Learned advocate appearing for the State produces the original case diary.

It transpires from the seizure list available in the original case diary that commercial quantity of narcotic was recovered from six persons. However, the petitioner is not named in the seizure list.

Consequently, since no recovery was made from the possession of the petitioner and considering the fact that the police filed charge-sheet and considering the fact that the police

are yet to establish a nexus between the petitioner and the persons arrested with the commercial quantity of narcotic and considering the fact that police are proceeding against the petitioner 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, we grant bail to the petitioner.

Accordingly, the petitioner 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 Special Judge, NDPS Act, Dakshin Dinajpur, Balurghat subject to the condition that during bail he shall appear before the learned trial court on every date of hearing and 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 **CRM (NDPS) 244 of 2022** is, thus, disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)

