

22.03.2022

Serial no. 46

[Dd]

(Bail **allowed**)

CRM (NDPS) 301 of 2022

In re : An Application for **Bail** under Section **439** of the Code of Criminal Procedure in connection with **N 176/2019** arising out of **Basirhat** Police Station Case No. **1102** of **2019** dated **07.10.2019** under Sections **21(C)** of the Narcotic Drugs and Psychotropic Substances Act, 1985 and Sections **188/379/411/413/414** of the Indian Penal Code.

-And-

**In the matter of : Gauranga Sarkar alias Gauranga Dhali
alias Dhali alias Alokesh Sarkar alias
Gouranga Dhali**

... .. Petitioner

*Mr. Angshuman Chakraborty,
Mr. Shashanka Shekhar Saha, Advocates
... .. For the Petitioner*

*Mr. Sanjoy Bardhan,
Mr. Palash Chandra Majhi, Advocates
... ..For the State*

Considering the fact that no narcotic was recovered from the possession of the petitioner and considering the fact that police filed charge sheet 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 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 NDPS Act,**

Barasat, North 24 Parganas 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) 301 of 2022 is **disposed of**.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)