

08.04.2022
Serial no. 44
Aloke
Ct. No. 29

CRM (NDPS) 361 of 2022

In re : An Application for Bail under Section 439 of the Code of Criminal Procedure filed on 04.04.2022 in connection with Balurghat P.S. Case No. 371 of 2018 dated 01.11.2018 under Sections 21(C)/22(C)/23(C)/25/27(A)/28/29 of the NDPS Act.

-And-

**In the matter of : Rajdeep Pramanik @ Raj Deep Pramanik
... ..Petitioner**

Mr. Kallol Mondal, Advocate
Mr. Krishan Ray, Advocate
Mr. Arup Sarkar, Advocate
Mr. Souvik Das, Advocate
Mr. Debayan Ghosh, Advocate

... .. For the Petitioner

Mr. Sanjay Bardhan, Advocate
Ms. Baishakhi Chatterjee, Advocate

... ..For the State

Petitioner renews the prayer for bail.

This is the third application for bail.

The first application for bail was rejected on June 2, 2021 after returning a finding that commercial quantity of narcotic was seized and that the petitioner was arrested on apprehension on the basis of the statement of the co-accused and, therefore, prayer for bail was rejected. There is no finding in such order that commercial quantity of narcotic was seized from the possession of the petitioner or that there is any nexus between the petitioner and the person arrested with the commercial quantity of narcotic. In the second order of refusal dated September 28, 2021 proceeds on the basis of the rejection order dated June 2, 2021.

The police filed charge-sheet. The petitioner is in custody for 394 days.

No narcotic was seized from the possession of the petitioner. The petitioner is sought to be proceeded against on the basis of the statement of the co-accused made while in custody.

The prosecution is unable to produce any materials to establish any nexus between the petitioner and the co-accused arrested with the commercial quantity of narcotic at this stage.

Consequently, we are of the view that the petitioner is able to overcome the restrictions under Section 37 of the NDPS Act, 1985.

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-cum-Additional District and Sessions Judge, 3rd Court, Balurghat, Dakshin Dinajpur, subject to condition that 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 is allowed.

CRM (NDPS) 361 of 2022 is disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)