

02.05.2022

Sl. 31

Court No.29

suvayan

(Allowed)

C.R.M. (NDPS) 433 of 2022

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with **English Bazar** P.S. case No. **1560 of 2021** dated **11/11/2021** under Sections **21(c)/29/27A** of the Narcotic Drugs and Psychotropic Substances Act, 1985.

And

In the matter of: Sayan Saha

....petitioner

Mr. Rana Mukherjee

...for the petitioner.

Mr. Sanjay Bardhan

Ms. D. Dasgupta

...for the State.

Petitioner seeks bail.

Learned Advocate appearing for the petitioner submits that the petitioner is in custody since November 13, 2021. The police filed charge-sheet and, therefore further detention of the petitioner is not required. No narcotic was recovered from the possession of the petitioner.

Learned Advocate appearing for the State draws the attention of the Court to the materials in the case diary.

Considering the fact that no narcotic was recovered from the possession of the petitioner and considering the fact that the police are proceedings against the petitioners 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 Narcotic Drugs and Psychotropic Substances Act, 1985. Moreover, the police filed charge-sheet. The police are unable to establish any nexus at this stage between the petitioner and the person arrested with the commercial quantity of narcotic.

Consequently, we enlarge the petitioner on bail.

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 the NDPS Act, Malda 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 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) 433 of 2022 is, thus, disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)