

18.05.2022

Serial no. 60

[Dd]

(Bail **allowed**)

CRM (NDPS) 485 of 2022

In re : An Application for **Bail** under Section **439** of the Code of Criminal Procedure in connection with **Special Case no. 97 of 2021** arising out of **G.R. Case No. 987 of 2021** in connection with **Gangarampur** Police Station Case No. **437** of **2021** dated **26.10.2021** under Sections **22(C)/29** of the Narcotic Drugs and Psychotropic Substances Act and Section **27A** of the Drugs and Cosmetic Act.

-And-

In the matter of : Shyam Saha @ Shyam Sha @ Shyamal Saha
... ... Petitioner

Mr. Sujan Chatterjee,
Mr. Anirban Guhathakurta, Advocates
... ... *For the Petitioner*

Mr. Prasun Kr. Datta,
Mr. Nirupam Dhali, Advocates
... ...*For the State*

Considering the fact that police filed charge sheet and no narcotic was recovered from the possession of the petitioner and considering the fact that police are yet to proceed 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, Balurghat, Dakshin Dinajpur** 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) 485 of 2022 is **disposed of**.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)