

30.06.2022
cm/ct 28
Sl. no. 6

C.R.M. (NDPS) 721 of 2022

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with NDPS Case No. 37 of 2021 arising out of Karandighi P.S. Case No. 322 dated 06.07.2021 under Section 21 (b) of the NDPS Act.

Allowed

In Re : Raju Sarkar

..... petitioner

Mr. Soumik Ganguly
Mr. Nimai Ray
Mr. Ronit Mukherjee
Mr. Nazmut Touhid

..... for the petitioner

Mr. Saibal Bapuli , ld. A.P.P.
Mr. Bibaswan Bhattacharya
Mr. Kaustav Chatterjee

..... for the State

Petitioner is in custody for 358 days. He submits co-accused Bapi Sarkar had a valid license under Drugs and Cosmetics Act to deal with the drugs in question. He has been granted pre arrest bail by a coordinate Bench of this court.

Learned lawyer for the State opposes the prayer for bail. He submits petitioner and co-accused in conspiracy with one another illegally sold drugs containing codeine phosphate.

We have considered the materials on record. Co-accused Bapi Sarkar has a valid license to deal with the drugs in question. His license has not been cancelled as yet and he has been granted pre-arrest bail by a coordinate Bench of this court in CRM(A) 2918 of 2022. Under such circumstances and the period of detention suffered by the petitioner i.e. 358 days, we are inclined to grant bail to him.

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 Judge, Special Court under NDPS Act, Raiganj, Uttar Dinajpur on condition that the petitioner shall appear before the trial court on every date of hearing and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event he fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this court.

The application being CRM(NDPS) No. 721 of 2022 is disposed of.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)