

02.08.2022

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Allowed

C.R.M. (NDPS) No. 734 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Gangarampur Police Station Case No. 11 of 2022 dated 05.01.2022 under Sections 22(C)/29 of the NDPS Act.

And

In Re : Om Narayan Gupta & Anr. petitioners

Mr. Kaushik Choudhury
Ms. Busra Khatun

.....for the petitioners

Mr. Ranabir Roychowdhury
Mr. Mainak Gupta

....for the State

Learned Counsel appearing for the petitioners submits that the petitioners are in custody for 51 days. No narcotic substance has been recovered from their possession.

Learned Counsel appearing for the State opposes prayer for bail of the petitioners and submits that they had criminal antecedents.

Having considered the materials on record and keeping in mind the extent of complicity of the petitioners in the alleged crime and as no narcotic substance has been recovered from their possession, we are of the opinion that petitioners have been able to rebut the statutory presumption under Section 37 of the NDPS Act and in view of the period of detention suffered by them, we are inclined to grant bail to the petitioners.

Accordingly we direct that the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/- each

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 petitioners shall appear before the trial court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever and on further condition that the petitioners shall meet the officer-in-charge of Gangarampur Police Station once in a week until further orders.

In the event the petitioners fail to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel their bail in accordance with law without further reference to this Court.

The application for bail is, accordingly, allowed.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)