

13.07.2022
cm/ct 28
sl no. 6

C.R.M. (NDPS) No. 771 of 2022

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Asansol in NDPS Case No. 10 of 2022 arising out of **Hirapur P.S Case No. 169 of 2022** dated **09.05.2022** under Sections **21 (b)/29** of the NDPS Act.

And

Allowed

In Re : Raju Yadav

..... petitioner

Mr. Bitasok Banerjee
Mr. Apurba Kr. Datta

..... for the petitioner

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

..... for the State

Petitioner is in custody for 65 days. It is submitted that he has been falsely implicated in the instant case.

Learned lawyer for the State opposes the prayer for bail.

We have considered the materials on record and keeping in mind the nature of allegations involving recovery of 6 gms. of heroin from petitioner and co-accuseds which does not attract statutory restrictions under Section 37 of the NDPS Act and in view of the period of detention suffered by the petitioner i.e. 65 days, we are inclined to grant bail to the petitioner.

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, Paschim Bardhaman 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 petitioner 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. 771 of 2022 is disposed of.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)