

15.07.2022

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Allowed

C.R.M. (NDPS) 786 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Ketugram Police Station Case No. 68 of 2022 dated 19.02.2022 under Sections 8(b)/15(C)/29 of the NDPS Act.

And

In Re : Goni Sk. @ Sk. Gani Khan petitioner

Mr. Sanat Kumar Das
Mr. Sujan Chatterjee

.....for the petitioner

Mr. Sanjoy Bardhan
Mr. Palash Chandra Majhi

....for the State

Liberty is given to the learned Counsel appearing for the petitioner to correct the cause title.

Learned Counsel appearing for the petitioner submits that petitioner is in custody for 104 days. It is also submitted that no narcotic substance has been recovered from the possession of the petitioner.

Learned Counsel appearing for the State opposes the prayer for bail. He submits that the petitioner financed one Sadhan @ Dhulo Majhi to cultivate opium poppy on his land.

We have considered the materials on record. Though statements of witnesses state petitioner was financing the said Sadhan @ Dhulo Majhi, no money trail in the accounts of the accused persons is placed before us. Keeping in mind the aforesaid facts and extent of complicity of the petitioner in the crime, 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/- with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Judge, 3rd Special Court (NDPS Act), Purba Bardhaman, subject to condition that the petitioner 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.

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

The application for bail is, accordingly, allowed.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)