

08.08.2022
Sl. No.10
akd
[ALLOWED]

C. R. M. (NDPS) 906 of 2022

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 03.08.2022 in connection with Jagacha Police Station Case No. 173 of 2020 dated 03.09.2020 under Section 21(c) of the NDPS Act.

And

In Re: ***Bhola Chowdhury***

... .. Petitioner

Mr. Mrityunjoy Chatterjee
Mr. Prodyut Hajra

... .. for the petitioner

Mr. Ranabir Roy Chowdhury
Mr. Mainak Gupta

... .. for the State

It is submitted on behalf of the petitioner that he was in custody at the time when the alleged recovery was made from an abandoned place which is not in his control and dominion. Co-accuseds have been enlarged on bail.

Learned advocate appearing for the State opposes the prayer for bail.

We have considered the materials on record. Recovery was made from an abandoned place. There is no independent witness to the said recovery. Co-accuseds have been enlarged on bail. Under such circumstances, we are inclined to extend the same privilege to the petitioner also.

Therefore, the accused/petitioner, namely ***Bhola Chowdhury***, be released on bail upon furnishing 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 the NDPS Act, 1985-cum-Additional District & Sessions Judge,

3rd Court, Howrah subject to condition that the said petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever or commit similar offences in future.

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 for bail, thus, stands **allowed**.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)