

22.08.2022  
Sl. No.4  
**akd**  
[ALLOWED]

**C. R. M. (NDPS) 926 of 2022**

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 08.08.2022 in connection with Ketugram Police Station Case No. 69 of 2022 dated 19.02.2022 under Sections 8(b)/15(c)/29 of the NDPS Act.

And

In Re: ***Rupatan Bairagya @ Rupa Bairagya***

... .. Petitioner

Mr. Kunal Ganguly  
Mr. Arunava Ganguly  
Ms. Piyas Chowdhury  
Mr. Tirupati Mukherjee

... .. for the petitioner

Mr. Rudradipta Nandy .. Id. Addl. Public Prosecutor  
Mrs. Sonali Das

... .. for the State

Pursuant to our earlier direction, Investigating Officer is personally present before this court along with the report. His presence is noted and dispensed with.

It is submitted on behalf of the petitioner that he is in custody for about 180 days. It is further submitted petitioner is not the owner of the land on which *poppy* cultivation was carried on.

Report with regard to further investigation including statement of the owner viz. Arun Singha who states he had permitted the petitioner to cultivate on the land for valuable consideration is placed before us.

We have considered the materials on record. Neither any written contract nor any money receipt with regard to the aforesaid transaction has been placed on record. A cryptic report of the Revenue Inspector has been relied upon. The report is a non-speaking one and the factual foundation on the basis of which the Revenue Inspector

comes to the conclusion with regard to the involvement of the petitioner is not spelt out. Under such circumstances, we are of the opinion further detention of the accused/petitioner is not necessary.

Therefore, the accused/petitioner, namely ***Rupatan Bairagya @ Rupa Bairagya***, 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, 3<sup>rd</sup> Special Court under the NDPS Act, 1985, Purba Bardhaman 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.)**