

31.01.2022

Court No.32
rpan/06

CRM 7878 of 2021

[Through Video Conferencing]

In Re:- An application for bail under section 439 of the Code of Criminal Procedure ;

And

In Re : **Sri Uttam Das**

- Petitioner

Ms. Sananda Bhattacharyya

... for the Petitioner.

Mr. Antariksha Basu

... for the State.

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Amdanga Police Station Case no.389 of 2021 dated 20.07.2021 under Section 21(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

Heard the learned advocates appearing for the respective parties and considered the materials in the case diary.

It appears that no contraband substance above commercial quantity was recovered from the possession of the petitioner and that his name has transpired on the basis of co-accused statement. In view thereof, rigours of Section 37 of the NDPS Act is not attracted. Upon completion of investigation charge sheet has also been submitted. The petitioner has already suffered incarceration for about 195 days. In such circumstances, we are of the opinion that petitioner may be enlarged on bail.

Accordingly, we allow this application and direct that the petitioner, namely, **Sri Uttam Das** 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 a local, to the satisfaction of the learned Judge, Special Court, under N.D.P.S. Act, Barasat, North 24-Parganas,

It is further directed that the petitioner shall attend the learned court below on the dates specified for hearing and shall not tamper with the evidence and/or intimidate the witnesses in any manner whatsoever.

In the event the petitioner fails to comply with the aforesaid directions, without any justifiable cause, the learned court below shall be at liberty to cancel his bail, in accordance with law, without further reference to this Court.

With the aforesaid observations, the application for bail, being CRM No.7878 of 2021, is disposed of.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Sugato Majumdar, J.)

(Tapabrata Chakraborty, J)