

25.03.2022

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Allowed

C.R.M. 8174 of 2021

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with N 81 of 2020 arising out of NCB Crime No. 10/NCB/KOL/2020 dated 17.03.2020 under Sections 8(c)/12 read with Sections 22(b)/24/29 of the NDPS Act.

And

In Re : Uttam Chatterjee petitioner

Mr. Angshuman Chakraborty
.....for the petitioner

Mr. Y. J. Dastoor, Ld. ASG
Mr. Phiroze Edulji
Mr. Uttam Basak
....for the Union of India

Petitioner renews his prayer for bail.

It is submitted by the learned Counsel appearing for the petitioner that he is in custody for two years.

Learned Counsel appearing for the Union of India opposes the prayer for bail and submits trial is in progress.

We have considered the materials on record. Alleged recovery is of intermediate quantity. We have also considered the period of detention suffered by the petitioner. There is little possibility of the trial concluding in the near future. Balancing the gravity of the offence and the period of detention suffered by the petitioner and as the case does not attract the statutory restrictions under Section 37 of the N.D.P.S. Act, we are inclined to grant bail to him.

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, Special Court under NDPS Act, Barasat, North 24 Parganas, 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.

(Bivas Pattanayak, J.)

(Joymalya Bagchi, J.)