

24.08.2022.
16.
Ct.No.28.
as
(Allowed)

C.R.M. (NDPS) 966 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Special Case No.80 of 2022 arising out of Kaliachak P. S. Case No.573 of 2022 dated 28.05.2022 under Sections 21(b)/27A/29 of the N.D.P.S. Act and Sections 25/27 of the Arms Act.

In the matter of : Nannu Sk.

.... Petitioner.

Mr. Mrityunjoy Chatterjee.

...for the Petitioner.

Mr. Ranadeb Sengupta.

...for the State.

Heard the learned Counsels appearing on behalf of the parties.

Petitioner is in custody for 88 days. It is submitted narcotic substance recovered from the petitioner is below commercial quantity.

Learned Advocate appearing for the State opposes the prayer for bail. He submits controlled substance and fire arm were also recovered from the possession of the petitioner.

We have considered the materials on record. Recovery of narcotic substance from the possession of the petitioner is to the tune of 110 gms. of brown sugar which is below commercial quantity. Keeping in mind the aforesaid fact and the period of detention suffered by the petitioner, we are inclined to grant bail to the petitioner.

Accordingly, 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 N.D.P.S. Act, Malda subject to condition that he 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.

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

This application for bail is, thus, disposed of.

(Ananya Bandyopadhyay,J.)

(Joymalya Bagchi, J.)