

10.01.2022

Court No.32
rpan / 35

CRM 8301 of 2021

[through Video Conferencing]

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure filed in connection with Kumarganj Police Station Case no.246 of 2017 dated 30.12.2017 under Sections 21/22/23 of the Narcotic Drugs and Psychotropic Substances Act, 1985 [Special Case no.02 of 2018];

And

In Re : **Nandu Rabidas @ Harinanda Rabidas**

- Petitioner

Mr. Kaushik Chaudhury,

Ms. Busra Khatoon

... for the Petitioner.

Mr. Sudip Ghosh,

Mr. Bitasok Banerjee

... for the State.

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 the statement of a co-accused person. In view thereof, the rigours of Section 37 of the NDPS Act are not attracted. Upon completion of investigation charge sheet has also been submitted and as such, further detention of the petitioner, who is in custody for 117 days, is not warranted.

Accordingly, we allow this application and direct that the petitioner, namely, **Nandu Rabidas @ Harinanda Rabidas**, 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 Special Judge (under NDPS Act)-

cum-Additional District & Sessions Judge, 3rd Court, Dakshin Dinajpur at Balurghat.

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

It is made clear that 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.8301 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.)