

25.03.2022

284
sdas
Allowed

C.R.M. 8310 of 2021

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with NDPS Case No. 128 of 2021 arising out of NCB Crime No. 76/NCB/KOL/2021 under Section 8(c) read with Sections 20(b)(ii)(B)/29 of the NDPS Act.

And

In Re : Bittu alias Sujit Saha petitioner

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

Mr. Pradyat Saha
....for the Union of India

Petitioner is in custody for 148 days.

It is contended by the learned Counsel appearing for the petitioner that no recovery was effected from the possession of the petitioner. Recovery made from the co-accused is to the extent of 5kgs. of Ganja which is below commercial quantity.

Learned Counsel appearing for the Union of India opposes the prayer for bail.

We have considered the materials on record. No recovery was effected from the petitioner. Case involves recovery of 5kgs. of Ganja from the co-accused which is of intermediate quantity. In view of nature of the offence and the extent of complicity of the petitioner in the alleged crime and the period of detention suffered by the petitioner i.e. 148 days, 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, Alipore, South 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.)