

CRM 8567 of 2021

In re : An Application for Bail under Section 439 of the Code of Criminal Procedure filed on 13th December, 2021 in connection with N. Case No.128 of 2021 arising out of NCB Crime 76/NCB/Kolkata/2021 under Sections 20(b) (ii)(B) and 29 of the NDPS Act..

-And-

In the matter of : Devdas Adhikary

...Petitioner

Mr. Sabyasachi Mukherjee, Advocate

Mr. Bibek Dey, Advocate

Mr. Mukesh Khanna, Advocate

Ms. Debarati Choudhury, Advocate

... ... For the Petitioner

Mr. Y. J. Dastoor, Id. ASG

Ms. Mary Dutta, Advocate

... ...For the NCB

Petitioner seeks bail.

Learned advocate appearing for the petitioner submits that petitioner stands in the same footing as that of other co-accused who was enlarged on bail by the coordinate Bench. He refers to the order dated March 25, 2022 passed in CRM 8310 of 2021 and submits that at best intermediate quantity of narcotic was seized.

Learned Additional Solicitor General opposes the prayer for bail. He submits that intermediate quantity of narcotic shown to be recovered from the possession of the petitioner. The Narcotic Control Bureau is seeking enlarge the scope of investigation.

As on date, as the materials available in the Case Dairy suggest that only intermediate quantity of narcotic was seized from the possession of the petitioner.

Moreover, the coordinate Bench enlarged a co-accused on bail on March 25, 2022 in CRM 8310 of 2021. Consequently, we grant bail to the petitioner.

The Narcotic Control Bureau filed a complaint with the jurisdictional court.

Accordingly, we direct that the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand only), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Sessions Judge, 6th Court, Barasat (Special Court), subject to condition that the petitioner shall appear before the learned trial court on every date of hearing until further orders and shall not intimidate witnesses and/or tamper with evidence in any manner whatsoever.

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

The prayer for bail of the petitioner is allowed allowed.

CRM 8567 of 2021 is disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)