

07.02.2022

Court No.32
rpan/26

CRM 8758 of 2021

In Re:- An application for bail under section 439 of the Code of Criminal Procedure ;

And

In Re : **Kush Singha**

- Petitioner

Mr. Arnab Chatterjee

... for the Petitioner.

Mr. Sanjoy Bardhan,

Ms. Baishakhi Chatterjee

... for the State.

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Lalgola Police Station Case no.523 of 2021 dated 19.07.2021 under Section 20(b)(ii)(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985 read with Section 14A(b) of the Foreigners Act.

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 co-accused statement. In view thereof, rigours of Section 37 of the NDPS Act is not attracted. Upon completion of investigation charge sheet has also been submitted. As such, further detention of the petitioner, who is in custody for 140 days, is not warranted. However, his movement needs to be restricted.

Accordingly, we allow this application and direct that the petitioner, namely, **Kush Singha** 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 Additional District and Sessions Judge, 2nd Court (Special Court under N.D.P.S. Act), Murshidabad at Berhampore with a further condition that he shall not leave the jurisdiction of Lalgola Police Station, until further orders, save and except for attending the Trial Court on the dates specified for hearing.

It is further directed that the petitioner shall not tamper with the evidence and/or intimidate the witnesses in any manner whatsoever.

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 8758 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)