

CRM No.8996 of 2021

Via video conference

18.02.22

(S.R.)

Sl.07

Ct.32

In re: An application for bail under Section 439 of the Code of Criminal Procedure filed in connection with **Bhimpur** Police Station Case No.298 of 2021 dated 22/10/2021 under Section 20(b)(ii)(B) of the NDPS Act (corresponding to NDPS Case No.118 of 2021);

And

In re: Prosanta Biswas @ Malinga @ Prasanta ... petitioner.

Mr. Snehansu Majumder

... for the petitioner.

Mr. Sanjay Bardhan

Mr. Nirupam Dhali

...for the State.

Mr. Majumder, learned advocate appearing for the petitioner submits that the petitioner is the sole accused and intermediate quantity of contraband substance was recovered from his possession and as such, the statutory restrictions are not attracted. He is languishing in custody for about 119 days and upon completion of investigation charge sheet has already been submitted.

Mr. Bardhan, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to the seizure list as well as the other materials in the case diary.

Heard the learned advocates and considered the materials in the case diary.

Prima facie, it appears that intermediate quantity of contraband substance was recovered from the possession of the petitioner and that as such, the rigours of Section 37 is not attracted. In view thereof, we are of the opinion that further detention of the petitioner, who has suffered incarceration for about 119 days, is not necessary

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 NDPS Act, Nadia, Krishnagar, with a further condition that the petitioner shall attend the learned trial court on all the dates as specified for hearing.

It is further directed that the petitioner shall not intimidate the witnesses or tamper with evidence 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 trial court would be at liberty to cancel the petitioner's bail without any further reference to this Court.

The application for bail being CRM No.8996 of 2021 is, accordingly, 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.)