

19.09.2022

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Allowed

C.R.M. (NDPS) No. 1049 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Howrah GRPS Case No. 36 of 2021 dated 18.08.2021 under Section 20(b)(ii)(B) of the NDPS Act.

And

In Re : Suraj Kumar ..... petitioner

Sk. Toslim Ali

.....for the petitioner

Mr. Ranabir Roy Chowdhury

Mr. Mainak Gupta

....for the State

Learned Counsel appearing for the petitioner submits that petitioner is in custody for 387 days. He prays for bail.

Learned Counsel appearing for the State opposes the prayer for bail.

We have considered the materials on record. Allegations involve recovery of intermediate quantity of narcotic substance i.e. 10.2 kgs of Ganja. Balancing the nature of accusation with the period of detention suffered by the petitioner i.e. 387 days and as investigation is complete and there is little possibility of trial concluding in the near future, we are inclined to grant bail to the petitioner.

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, Howrah, 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.

**(Ajay Kumar Gupta, J.)**

**(Joymalya Bagchi, J.)**