

27.09.2022

12
sdas
Allowed

C.R.M. (NDPS) No. 1096 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Kulti Police Station Case No. 333 of 2022 dated 29.05.2022 under Sections 21(b)/29/25 of the NDPS Act.

And

In Re : Rahul Das petitioner

Mr. Avik Ghatak

Mr. Saibal Kumar Dasgupta

.....for the petitioner

Mr. T. D. Nandy

Mr. Antarikhya Basu

.....for the State

Learned Counsel appearing for the petitioner submits he is in custody for 120 days. It is also submitted that co-accused Raj Rajak was granted bail by this Court in CRM (NDPS) No. 891 of 2022.

Learned Counsel appearing for the State opposes prayer for bail and submits the petitioner and co-accused were dealing in narcotics. Trial has commenced.

We have considered materials on record. Allegation relates to recovery of six grams of Heroin which is below commercial quantity. Co-accused, similarly circumstanced with the petitioner, has been granted bail.

Under such circumstances, we are inclined to grant bail to the petitioner also.

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, Paschim Burdwan, 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.)