

29.09.2022.
02
Ct.No.28.
as
(Allowed)

C.R.M. (NDPS) 1118 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Special Case No.29 of 2016 arising out of Gangarampur P. S. Case No.586 of 2016 dated 24.11.2016 under Sections 22/25/27 of the N.D.P.S. Act.

In the matter of : Hebla Roy @ Surajit Roy.

.... Petitioner.

Mr. N. S. Ghosh,
Ms. S. Mukherjee,
Ms. S. Chatterjee,
Mr. S. Mondal,
Mr. S. Kandekar.

...for the Petitioner.

Mr. M. Sur, Id. A.P.P.,
Mr. D. Paramanick.

...for the State.

Petitioner is in custody for 109 days. He contends he is not the owner of the land which was used to cultivate ganja. Investigation is complete. He prays for bail.

Learned Advocate appearing for the State opposes the prayer for bail. He submits BL & LRO's report and statements of witnesses show petitioner is in occupation of the land where ganja was cultivated. He had absconded for a protracted period of time.

We have considered the materials on record. Whether the petitioner was in occupation of the concerned land may be thrashed out during trial. Investigation is complete. He does not have any criminal antecedents. Statutory restrictions under Section 37 of the NDPS Act do not apply to the facts of the case.

Under such circumstances, we are inclined to grant bail to the petitioner, however, subject to strict conditions.

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 N.D.P.S. Act, Dakshin Dinajpur at Balurghat subject to condition that he shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever and on further condition petitioner while on bail shall remain within the jurisdiction of Gangarampur Police Station except for the purposes of investigation and/or attending court proceeding and report to the Officer-in-charge of Gangarampur Police Station once in a week until further orders.

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

This application for bail is, thus, disposed of.

(Ajay Kumar Gupta,J.)

(Joymalya Bagchi, J.)