

10.11.2022
Sl. No.4
akd
[ALLOWED]

C. R. M. (NDPS) 1155 of 2022

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 22.09.2022 in connection with Bongaon Police Station Case No. 296 of 2022 dated 23.03.2022 under Sections 20(b)(ii)(c)/29 of the NDPS Act.

And

In Re: ***Jhantu Das & Anr.***

... .. Petitioners

Mr. Angshuman Chakraborty
Mr. Shashanka Shekhar Saha

... .. for the petitioners

Mr. Saryati Datta

... .. for the State

It is submitted on behalf of the petitioners that they are in custody for about 65 days. It is further submitted no narcotic substance was recovered from their possession.

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

Report is placed on record with regard to the involvement of the petitioners.

We have perused the materials on record including the report. We find there is no legally admissible evidence connecting the petitioners with the crime. Their complicity has transpired from the statement of co-accused before a police officer which is inadmissible in evidence. Under such circumstances, we are of the opinion that the petitioners have been able to rebut the statutory restrictions under Section 37 of the NDPS Act. In view of the aforesaid fact and the period of detention suffered by the petitioners, we are of the opinion further detention of the accused/petitioners is not necessary.

Therefore, the accused/petitioners, namely **(1) Jhantu Das & (2) Raja Roy**, be released on bail upon furnishing bond of Rs.10,000/-

(Rupees Ten thousand only) each, with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Judge, Special Court under the NDPS Act, 1985-cum-Additional Sessions Judge, 6th Court, Barasat, North 24-Parganas subject to condition that the said petitioners 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 or commit similar offences in future.

In the event they fail to appear before the trial court without any justifiable cause, the trial court shall be at liberty to cancel their bail automatically without reference to this court.

The application for bail, thus, stands **allowed**.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)