

30.09.2022

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Allowed

C.R.M. (NDPS) No. 1162 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Howrah GRPS Police Station Case No. 69 of 2021 dated 30.12.2021 under Sections 20(b)(ii)(B) of the NDPS Act.

And

In Re : Saroj Kumar Swain petitioner

Ms. Jonaki Saha

Mr. Jiten Kumar Barik

.....for the petitioner

Mr. Ranadeb Sengupta

.....for the State

Learned Counsel appearing for the petitioner submits he is in custody for 275 days. He also prays for bail.

Learned Counsel appearing for the State opposes prayer for bail.

Allegation relates to recovery of 12 Kg. of Ganja which is below commercial quantity. Balancing the nature of accusation with the period of detention suffered by the petitioner, we are inclined in granting 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.)