

30.09.2022

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Allowed

C.R.M. (NDPS) No. 1166 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. 50 of 2022 dated 23.06.2022 under Sections 20(b)(ii) of the NDPS Act.

And

In Re : Pradeep Swami ..... petitioner

Ms. Sanjida Sultana

.....for the petitioner

Mr. Sanjoy Bardhan

Mr. Palash Chandra Majhi

.....for the State

Learned Counsel appearing for the petitioner submits he is in custody for 99 days.

Learned Counsel appearing for the State opposes prayer for bail.

Allegation relates to recovery of 16 Kg. of Ganja from the possession of the petitioner which is below commercial quantity. Under such circumstances statutory restrictions under Section 37 of the NDPS Act do not apply and as narcotic substance has already been recovered, 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.)**