

04.11.2022
Sl. No.5
akd
[ALLOWED]

C. R. M. (NDPS) 1206 of 2022

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 11.10.2022 in connection with Hili Police Station Case No. 192 of 2021 dated 28.08.2021 under Section 20(b)(ii) of the NDPS Act read with Section 46(b) of the Bengal Excise Act, 1909.

And

In Re: ***Ratan Mahato***

... .. Petitioner

Ms. Jeenia Rudra

... .. for the petitioner

Mr. Prasun Kr. Datta
Mr. S. Roy

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about 58 days. It is further submitted petitioner has been falsely implicated in the instant case.

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

We have considered the materials on record. Quantity of narcotic substance seized from the residence of the petitioner is below commercial quantity. In view of the aforesaid circumstances and the period of detention suffered by the petitioner, we are of the opinion further detention of the accused/petitioner is not necessary and he may be enlarged on bail however, subject to condition.

Therefore, the accused/petitioner, namely ***Ratan Mahato***, be released on bail upon furnishing bond of Rs.10,000/- (Rupees Ten thousand only), 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-cum-Additional District Judge, 3rd Court, Balurghat, Dakshin Dinajpur subject to condition that the said petitioner 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 and on further condition that the petitioner shall report to the Officer-in-charge, Hili Police Station once in a week until further orders.

In the event he fails to appear before the trial court without any justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this court.

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

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)