

07.11.2022
Sl. No.12
akd
[ALLOWED]

C. R. M. (NDPS) 1234 of 2022

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 13.10.2022 in connection with Electronics Complex Police Station Case No. 146 of 2022 dated 08.09.2022 under Section 21(b) of the NDPS Act.

And

In Re: **Saugata Sengupta**

... .. Petitioner

Md. Sabir Ahmed
Mr. Sujan Chatterjee
Mr. Anirban Guha Thakurta

... .. for the petitioner

Mr. Sudip Ghosh
Mr. Apurba Kumar Dutta

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about 60 days. It is further submitted seizure of the alleged narcotic substance was in violation of the mandatory provisions of the NDPS Act.

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

We have considered the materials on record. Quantity of narcotic substance recovered is to the tune of 220 gms. of *Heroin*, which is below commercial quantity. Hence, the case does not attract the statutory regards of Section 37 of the NDPS Act. Keeping in mind the aforesaid facts and as contraband has already been recovered, we are of the opinion further detention of the accused/petitioner for progress of investigation i.e. collection of chemical examiner's report is not necessary and he may be enlarged on bail.

Therefore, the accused/petitioner, namely **Saugata Sengupta**, 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 Sessions Judge, 6th Court, Barasat, North 24-Parganas 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.

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.)