

04.11.2022
Sl. No.10
akd
[ALLOWED]

C. R. M. (NDPS) 1301 of 2022

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 31.10.2022 in connection with Ghola Police Station Case No. 551 of 2022 dated 23.09.2022 under Sections 21(b)/29 of the NDPS Act.

And

In Re: **Debabrata Biswas @ Debrata Biswas @ Debabrate Biswas**
... .. Petitioner

Mr. Koustav Bagchi
Mr. Debayan Ghosh

... .. for the petitioner

Mr. Saryati Datta

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about 43 days.

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

We have considered the materials on record. Quantity of narcotic substance recovered from the petitioner is to the tune of 1.915 kgs. of *Ganja*, which is below commercial quantity. Under such circumstances and in view of the period of detention suffered by the petitioner, we are of the opinion further detention of the accused/petitioner is not necessary.

Therefore, the accused/petitioner, namely **Debabrata Biswas @ Debrata Biswas @ Debabrate Biswas**, 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 Chief Judicial Magistrate, Barrackpore, 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.)