

24.11.2022
Sl. No.6
akd
[ALLOWED]

C. R. M. (NDPS) 1377 of 2022

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 18.11.2022 in connection with Maidan Police Station Case No. 44 of 2021 dated 24.06.2021 under Section 20(b)(ii)(B) of the NDPS Act. (NDPS Case No.15 of 2021)

And

In Re: **Abhay Kumar Prasad**

... .. Petitioner

Mr. Anand Kesari
Mr. Gaurav Kumar

... .. for the petitioner

Mr. Sanjay Bardhan
Mr. Palash Ch. Majhi

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about 454 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 960 gms. of *Charas*, which is below commercial quantity. In view of the aforesaid facts and 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 **Abhay Kumar Prasad**, 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, Bench-I, Special Court under the NDPS Act, City Sessions Court, Calcutta 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.)