

25.11.2022

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Allowed

C.R.M. (NDPS) No. 1392 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Gangarampur Police Station Case No. 590 of 2016 dated 25.11.2016 under Sections 22/25/27 of the N.D.P.S. Act and charge-sheet submitted under Sections 22/25/27 of the NDPS Act.

And

In Re : Dharma Roy & Anr. petitioners

Ms. Busra Khatoon

.....for the petitioners

Mr. Sanjoy Bardhan

Ms. Debjani Dasgupta

.....for the State

Learned Counsel appearing for the petitioners submits they are in custody for 63 days. It is also submitted that they have been falsely implicated in the instant case.

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

We have considered the materials on record. Case involves cultivation of Poppy plants. Poppy plants have already been seized. In view of the aforesaid fact, we are of the opinion further detention of the petitioners is not necessary and they may be granted bail.

Accordingly, we direct that the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/- each 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, Balurghat, Dakshin Dinajpur, subject to

conditions that the petitioners 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.

In the event they fail to appear before the trial court without any justifiable cause, the trial court shall be at liberty to cancel their 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.)