

29.11.2022
tkm/ct 28
sl no. 10

C.R.M. (NDPS) 1403 of 2022

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Gangarampur P.S case no. 588 of 2016 dated 24.11.2016 under sections 22/25/27 of the NDPS Act
and

Allowed

In Re : Dipak Kisku petitioner

Mr. Kaushik Choudhury
Ms. Busra Khatoon

..... for the petitioner

Mr. T D Nandy
Mr. Antarikhya Basu

..... for the State

Petitioner is in custody for 104 days. Investigation is complete. He prays for bail.

Learned lawyer for the State opposes the prayer for bail.

We have considered the materials on record. Case involves cultivation of ganja. Statutory restrictions under section 37 of the NDPS Act do not apply to the facts of the case. Recovery of ganja plants have already been made. Investigation is complete.

Under such circumstances, we are inclined to grant bail to the petitioner.

Accordingly, the petitioner be released on bail upon furnishing a bond of Rs.10,000/- 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, Dakshin Dinajpur on condition that the petitioner shall appear before the trial court on every date of hearing and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

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

The application being CRM (NDPS) 1403 of 2022 is disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)