

30.11.2022.
06.
Ct.No.28.
as
(Allowed)

C.R.M. (NDPS) 1409 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with N Case No.138 of 2022 arising out of Gaighata P. S. Case No.919 of 2022 dated 02.10.2022 under Sections 20(ii)(b)/29 of the NDPS Act.

In the matter of : Joydev Kha @ Joydev Khan.

.... Petitioner.

Mr. Niladri Sekhar Ghosh,
Ms. Sompurna Chatterjee,
Mr. Sourav Mondal.

...for the Petitioner.

Mr. Swapan Banerjee,
Mr. Suman De.

...for the State.

Petitioner is in custody for 61 days. He prays for bail.

Learned Advocate for the State opposes the prayer for bail.

We have considered the materials on record. Quantity of narcotic substance allegedly recovered from the petitioner is below commercial quantity. Restrictions under Section 37 of the NDPS Act are not attracted in the facts of the case.

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

Accordingly, the petitioner shall 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 N.D.P.S. Act, Barasat, North 24-Paraganas subject to condition that he 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 the petitioner fails to appear before the Trial Court without any justifiable cause, the trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

This application for bail is, thus, disposed of.

(Ajay Kumar Gupta,J.)

(Joymalya Bagchi, J.)