

16.12.2022
Sl. No.8
akd
[ALLOWED]

C. R. M. (NDPS) 1492 of 2022

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 12.12.2022 in connection with Balurghat Police Station Case No. 294 of 2022 dated 27.04.2022 under Sections 21(c)/22(c)/23(c)/25/27A/28/29 of the NDPS Act.

And

In Re: ***Jiban Debnath @ Debanath***

... .. Petitioner

Mr. Kaushik Chaudhury
Ms. Busra Khatoon

... .. for the petitioner

Mr. T. D. Nandy
Mr. Antarikhya Basu

... .. for the State

Petitioner renews his prayer for bail. It is submitted on behalf of the petitioner that he is in custody for about 211 days. It is further submitted no narcotic substance was recovered from his possession.

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

We have considered the materials on record. Statements of witnesses show petitioner is the owner of the vehicle which was used to transport narcotics. Narcotic substance was not recovered from the vehicle. There is little progress in the matter since the rejection of bail by this court. Keeping in mind the extent of complicity of the petitioner in the alleged crime and in view of the period of detention suffered by him, we are of the opinion further detention of the accused/petitioner is not necessary.

Therefore, the accused/petitioner, namely ***Jiban Debnath @ Debanath***, 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 District Judge, 3rd Court, Balurghat, Dakshin Dinajpur 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.)