

23.12.2022
Sl. No.8
akd
[ALLOWED]

C. R. M. (NDPS) 1527 of 2022

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 14.12.2022 in connection with Gangarampur Police Station Case No. 590 of 2016 dated 25.11.2016 under Sections 22/25/27 of the NDPS Act.

And

In Re: ***Sripada Sarkar***

... .. Petitioner

Mr. Jayanta Narayan Chatterjee
Ms. Moumita Pandit

... .. for the petitioner

Mr. Sanjay Bardhan
Ms. Baisakhi Chatterjee

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about 92 days. It is further submitted petitioner is not the owner of the plots where *poppy* cultivation was detected. Co-accuseds have been enlarged on bail.

Learned advocate appearing for the State opposes the prayer for bail and submits petitioner was indulging in *poppy* cultivation.

We have considered the materials on record. *Poppy* plants have already been seized. Keeping in mind the aforesaid fact 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 ***Sripada Sarkar***, 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 & Sessions Judge, 3rd Court, Dakshin Dinajpur at Balurghat 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.)