

16.02.2023
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allowed

CRM (NDPS) No. 274 of 2023

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 NDPS Act and subsequently charge-sheet submitted under Sections 22/25/27 of the NDPS Act.

And

In Re : Samar Roy petitioner

Ms. Jeenia Rudra
Ms. Megha Chanda

.....for the petitioner

Mr. Saibal Bapuli, learned APP
Mr. Arani Bhattacharya

..... for the State

Learned Counsel for the petitioner submits that he is in custody for about a month. It is also submitted poppy plants have already been seized. Co-accuseds similarly circumstanced with the petitioner have been enlarged on bail by this Court. He prays for bail.

Learned Counsel for the State opposes the prayer for bail.

We have considered the materials on record. The case involves illegal cultivation of poppy. Poppy plants have already been seized. Co-accuseds are on bail. Under such circumstances, we are inclined to extend the same privilege to the petitioner also.

Accordingly, we direct that 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 NDPS Act-cum-Additional District Judge, 3rd Court, Balurghat, Dakshin Dinajpur,

subject to the condition that the petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

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

The application for bail is, accordingly, allowed.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)