

28.03.2023
Sl. No.5
akd
[ALLOWED]

C. R. M. (NDPS) 404 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 16.02.2023 in connection with Malda Police Station Case No.556 of 2021 dated 12.11.2021 under Sections 21(c)/29 of the NDPS Act read with Sections 18(b)/27 of the Drugs & Cosmetics Act.

And

In Re: ***Jhantulal Chakraborty @ Bitla***

... .. Petitioner

Mr. Jayanta Narayan Chatterjee
Mr. Kaushik Choudhury
Ms. Busra Khatoon

... .. for the petitioner

Mr. Ranadeb Sengupta

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about 100 days. It is further submitted no narcotic substance was recovered from his possession.

Learned Advocate for the State opposes the prayer for bail and submits petitioner has criminal antecedents.

We have considered the materials on record. We find that no narcotic substance was recovered from the possession of the petitioner. He is on anticipatory bail in one of the cases registered against him. Under such circumstances, we are of the opinion petitioner has been able to rebut the statutory restrictions under Section 37 of the NDPS Act. In view of the aforesaid fact and the 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 ***Jhantulal Chakraborty @ Bitla***, 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 3rd Court under the NDPS Act, Malda 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 and on further condition that the petitioner, while on bail, shall meet the Officer-in-charge, Malda Police Station once in a week until further orders.

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.)