

30.03.2023
Sl. No.2
akd
[ALLOWED]

C. R. M. (NDPS) 495 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 13.03.2023 in connection with Baishnabnagar Police Station Case No.144 of 2022 dated 13.02.2022 under Sections 21(c)/29 of the NDPS Act.

And

In Re: ***Pintu Sk. @ Bablu***

... .. Petitioner

Mr. Amitabha Karmakar
Mr. Arup Kumar Bhowmick

... .. for the petitioner

Mr. Ranadeb Sengupta

... .. for the State

It is submitted on behalf of the petitioner that he was arrested on 05.08.2022. He prayed for statutory bail on 01.02.2023. Learned Special court turned down such prayer on the ground that for calculating the period of detention, first day of remand is not to be added.

In ***Enforcement Directorate, Government of India vs. Kapil Wadhawan & Anr. Etc.***¹, the Apex Court held the first day of remand is to be added while computing the period of detention.

In the light of the law declared by the Apex Court in ***Kapil Wadhawan & Anr.*** (supra), we are of the opinion petitioner is entitled to statutory bail. Hence, we are inclined to grant statutory bail to the petitioner.

Accordingly, the accused/petitioner, namely ***Pintu Sk. @ Bablu***, is released on statutory bail upon furnishing a 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

¹ Criminal Appeal Nos.701-702 of 2020. Order dated 27.03.2023

District Judge, 4th Court, 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.

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

The application for bail is thus disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)