

08.06.2023
Sl. No.9
akd
[ALLOWED]

C. R. M. (NDPS) 1083 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 05.06.2023 in connection with NDPS Case No.35 of 2022 arising out of NCB Crime No. 20 of 2022 under Sections 8(c)/15(c)/18(A)/29/35/54 of the NDPS Act.

And

In Re: ***Vijay Prasad***

... .. Petitioner

Mr. Suman Dey
Mr. Joy Chakraborty
Mr. Sandip Dinda

... .. for the petitioner

Mr. Kallol Kumar Basu

... .. for the NCB

It is submitted on behalf of the petitioner that he is in custody for about 107 days. It is further submitted no narcotics was recovered from his possession. Co-accused viz. Amit Kumar @ Amit Kumar Keshari @ Saiful has been enlarged on bail. Accordingly, he prays for bail.

Learned Advocate for the NCB opposes the prayer for bail and submits Call Detail Records (CDRs.) show telephonic conversations between the principal accused from whom narcotics was recovered, the petitioner and the co-accused. Petitioner has criminal antecedents.

We have considered the materials on record. Co-accused viz. Amit Kumar @ Amit Kumar Keshari @ Saiful has been enlarged on bail. Petitioner stands on the same footing with the said co-accused. Hence, we are inclined to extend the same privilege to the petitioner also.

Therefore, the accused/petitioner, namely ***Vijay Prasad***, 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, Bench-I, City Sessions Court, Calcutta 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.)