

05.07.2023.
59.
Ct.No.28.
as
(Allowed)

C.R.M. (NDPS) 1137 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with NDPS Case No. 40 of 2022 arising out of NCB Crime No. 22 of 2022 under Sections 8(c) read with Sections 15(c)/29/35/54 of the NDPS Act.

In the matter of : Raju Ram.

.... Petitioner.

Mr. Soubhik Mitter,
Mr. Kalyan Kr. Bhattacharjee,
Mr. Litan Maitra,
Ms. Rajnandini Das

...for the Petitioner.

Mr. Arun Kumar Maiti (Mohanti),
Ms. S. Sarkar

...for the NCB.

Petitioner is in custody for 131 days. Investigation is complete. It is contended no narcotics was recovered from his possession. He prays for bail.

Learned Advocate for the State opposes the bail prayer. He submits Call Detail Records (CDRs) show frequent communications between petitioner and co-accused from whom narcotics was recovered.

We have considered the materials on record. Apart from telephonic communications between petitioner and co-accused, no other legally admissible evidence is placed on record to show his complicity in the crime. Contents of conversations are unknown. No evidence corroborating the CDRs have also been placed on record.

Under such circumstances, we are of the opinion petitioner has been able to rebut statutory restrictions under Section 37 of the NDPS Act and he may be enlarged on bail.

Accordingly, the petitioner viz Raju Ram 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, Bench – I (NDPS Act), City Sessions Court, Calcutta, subject to condition that he 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 and on further condition that the petitioner while on bail shall remain within the State of West Bengal and shall provide the address where he shall reside to the Investigating Officer as well as the court below and report to the Officer-in-Charge of the Police Station concerned within whose jurisdiction he shall reside once in a week until further orders.

In the event the petitioner fails to appear before the Trial Court without any justifiable cause, the trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

This application for bail is, thus, disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)

