

03.07.2023
Sl. No.7
akd
[ALLOWED]

C. R. M. (NDPS) 1178 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 15.06.2023 in connection with Swarupnagar Police Station Case No.913 of 2017 dated 07.12.2017 under Sections 21(c)/29 of the NDPS Act.

And

In Re: ***Vijay Rai @ Vijai Rai***

... .. Petitioner

Mr. Angshuman Chakraborty
Mr. Shashanka Shekhar Saha

... .. for the petitioner

Mr. Sudip Ghosh
Mr. Bitasok Banerjee

... .. 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 narcotics was recovered from his possession. Principal accused has been enlarged on bail. Accordingly, he prays for bail.

Learned Advocate for the State opposes the prayer for bail and submits petitioner had absconded for a protracted period of time.

We have considered the materials on record. We find that no narcotic substance was recovered from the possession of the petitioner. Though his conduct is not appreciable, materials collected in course of investigation is too scanty to implicate him in the crime. Principal accused has been enlarged on bail. In view of the aforesaid facts 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 ***Vijay Rai @ Vijai Rai***, 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-cum-Additional Sessions Judge, 6th Court, Barasat, North 24-Parganas 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.)