

07.07.2023

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Allowed

C.R.M. (NDPS) No. 1231 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Balurghat Police Station Case No. 502 of 2017 dated 03.12.2017 under Sections 21(c)/22(c) / 25 of the N.D.P.S. Act.

And
In Re : Sanjoy Das petitioner

Mr. Kaushik Choudhury
.....for the petitioner

Mr. Sanjoy Bardhan
Mr. Palash Chandra Majhi
.....for the State

Learned Counsel for the petitioner submits he is in custody for 38 days. It is also submitted no narcotic substance was recovered from his possession. He prays for bail.

Learned Counsel for the State opposes the prayer for bail and submits narcotics was recovered from a godown.

We have considered the materials on record. No material is placed before us to show that the godown was in control or possession of the petitioner. Under similar circumstances co-accused has been enlarged on bail. Hence, we are inclined to extend the same privilege to the petitioner.

Accordingly, we direct that the petitioner 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, Special Court under NDPS

Act-cum-Additional District & Sessions Judge, 3rd Court, Balurghat, Dakshin Dinajpur, subject to conditions 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 conditions that while on bail he shall remain within the district of Dakshin Dinajpur except for the purpose of attending court proceeding and shall report to the Officer-in-Charge, Balurghat 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 in accordance with law without further reference to this Court.

The application for bail is, accordingly, allowed.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)