

24.07.2023
Sl. No.7
akd
[ALLOWED]

C. R. M. (NDPS) 1294 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 17.07.2023 in connection with Jagacha Police Station Case No. 102 of 2023 dated 13.06.2023 under Section 20(b)(ii)(B) of the NDPS Act.

And

In Re: ***Subhajit Khanra & Anr.***

... .. Petitioners

Mr. Soumya Basu Roy Chowdhury

... .. for the petitioners

Mr. Ranabir Roy Chowdhury

Mr. Mainak Gupta

... .. for the State

It is submitted on behalf of the petitioners that they are in custody for over 42 days. Accordingly, they pray for bail.

Learned Advocate for the State opposes the prayer for bail.

We have considered the materials on record. Quantity of narcotics recovered from the petitioners i.e. 1.66 kgs. of *Ganja* is below commercial quantity. Under such circumstances, we are of the opinion further detention of the petitioners is not necessary.

Therefore, the petitioners, namely **(1) Subhajit Khanra & (2) Sujay Maity**, be released on bail upon furnishing bond of Rs.10,000/- (Rupees Ten thousand only) each, 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 District & Sessions Judge, 3rd Court, Howrah subject to condition that the said petitioners 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 they fail to appear before the trial court without any justifiable cause, the trial court shall be at liberty to cancel their bail automatically without reference to this court.

The application for bail, thus, stands allowed.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)