

25.07.2023
Sl. No.11
akd
[ALLOWED]

C. R. M. (NDPS) 1305 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 19.07.2023 in connection with Raghunathganj Police Station Case No. 396 of 2023 dated 11.05.2023 under Sections 20(b)(ii)(B)/29 of the NDPS Act. (NDPS Case No.61 of 2023)

And

In Re: ***Subho Ghosh @ Subha Ghosh***

... .. Petitioner

Mr. Tapodip Gupta

... .. for the petitioner

Mr. Antarikhya Basu

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about 76 days. It is further submitted he has been falsely implicated. Accordingly, he prays 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 petitioner i.e. 16.945 kgs. of *Ganja* is below commercial quantity. Under such circumstances and in view of 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 ***Subho Ghosh @ Subha Ghosh***, 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 District Judge, 5th Court, Berhampore, Murshidabad 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.)