

27.07.2023
Sl. No.10
akd
[ALLOWED]

C. R. M. (NDPS) 1316 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 20.07.2023 in connection with Singur Police Station Case No.143 of 2023 dated 22.04.2023 under Sections 20(b)(ii)(c)/29 of the NDPS Act. (NDPS Case No.4 of 2023)

And

In Re: ***Tukai Das & Anr.***

... .. Petitioners

Mr. Angshuman Chakraborty
Mr. Shashanka Shekhar Saha

... .. for the petitioners

Mr. Sudip Ghosh
Mr. Bitasok Banerjee

... .. for the State

It is submitted on behalf of the petitioners that they are in custody for about 81 days. It is further submitted no narcotics was recovered from their possession. Accordingly, they pray for bail.

Learned Advocate for the State opposes the prayer for bail and submits petitioners and co-accused were involved in trafficking of narcotics i.e. 90 kgs. of *Ganja*, which is above commercial quantity.

We have considered the materials on record. We find that no narcotic substance was recovered from the possession of the petitioners and their complicity has transpired from the statement of co-accused before a police officer which is inadmissible in evidence. Under such circumstances, we are of the opinion petitioners have been able to rebut the statutory restrictions under Section 37 of the NDPS Act. In view of the aforesaid fact and the period of detention suffered by the petitioners, we are of the opinion further detention of the petitioners is not necessary.

Therefore, the petitioners, namely **(1) *Tukai Das* & (2) *Pintu Patra***, 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 Sessions Judge, Hooghly 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.)