

02.08.2023
Sl. No.15
akd
[ALLOWED]

C. R. M. (NDPS) 1351 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 28.07.2023 in connection with Howrah Police Station Case No.146 of 2023 dated 01.05.2023 under Sections 20(b)(ii)(B)/29 of the NDPS Act.

And

In Re: **Sarabun Sk.**

... .. Petitioner

Mr. Soumya Basu Roy Chowdhury

... .. for the petitioner

Mr. Ranabir Roy Chowdhury

Mr. Sandip Chakraborty

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about 92 days. It is further submitted further detention is not necessary for progress of investigation. Accordingly, he prays for bail.

Learned Advocate for the State opposes the prayer for bail.

We have considered the materials on record. Amount of narcotics i.e. 8.913 kgs. of *Ganja* recovered from the petitioner is below commercial quantity. He is in custody for about 92 days. Under such circumstances, we are of the opinion further detention of the accused/petitioner is not necessary.

Therefore, the accused/petitioner, namely **Sarabun Sk.**, 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 & Sessions Judge, 3rd Court, Howrah 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.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)