

04.09.2023
Sl. No.9
akd
[ALLOWED]

C. R. M. (NDPS) 1477 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 28.08.2023 in connection with Raniganj Police Station Case No.654 of 2022 dated 18.12.2022 under Sections 21(b)/29 of the NDPS Act. (NDPS Case No.34 of 2022)

And

In Re: **Rocky Dome @ Rocky Dom**

... .. Petitioner

Mr. Angshuman Chakraborty
Mr. Shashanka Shekhar Saha

... .. for the petitioner

Mr. Sudip Ghosh
Mr. Koushik Kundu

... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for over eight months. It is further submitted quantity of narcotics allegedly recovered from him is below commercial quantity. Investigation is complete. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the prayer for bail.
3. We have considered the materials on record. Quantity of narcotics recovered from the petitioner is below commercial quantity. He is in custody for over eight months. Investigation is complete. There is no chance of his abscondence. Under such circumstances, we are of the opinion further detention of the accused/petitioner is not necessary.
4. Therefore, the accused/petitioner, namely **Rocky Dome @ Rocky Dom**, 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 Sessions Judge, 3rd Court, Asansol, Paschim Bardhaman 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.

5. 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.
6. The application for bail, thus, stands allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)