

14.09.2023

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Allowed

C.R.M. (NDPS) No. 1507 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure arising out of Chinsurah Police Station Case No. 308 of 2023 dated 01.07.2023 under Sections 20(b)(ii)(B) of the N.D.P.S. Act.

And

In Re : Smt. Kalpana Halder & Anr. petitioners

Mr. Ambika Sasmal

.....for the petitioners

Mr. Sudip Ghosh

Mr. Bitasok Banerjee

.....for the State

1. Learned Counsel for the petitioners submits they are in custody for 74 days. They pray for bail.

2. Learned Counsel for the State opposes the prayer for bail.

3. We have considered the materials on record. 10.2 kgs. of Ganja was recovered from the joint possession of the petitioner and co-accused. Amount of Ganja recovered is below commercial quantity. Accordingly, we are inclined to grant bail to the petitioners.

4. Accordingly, we direct that the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/- each with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Sessions Judge-cum-Judge, Special Court, Chinsurah, Hooghly, subject to conditions that 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.

5. In the event petitioners fail to appear before the trial court without any justifiable cause, the trial court shall be at liberty to cancel their bail in accordance with law without further reference to this Court.

6. The application for bail is, accordingly, allowed.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)