

06.10.2023
Sl. No.12
akd
[ALLOWED]

C. R. M. (NDPS) 1637 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 03.10.2023 in connection with NDPS Case No.82 of 2023 arising out of NCB Crime No.22/NCB/KOL/2023 dated 18.07.2023 under Sections 8(c)/21(b) of the NDPS Act.

And

In Re: **Sh. Biplob Basak @ Biplob Basak**

... .. Petitioner

Mr. Anisur Rahaman

... .. for the petitioner

Mr. Krishnendu Bhattacharya

Mr. Amarendra Chakraborty

... .. for the NCB

1. It is submitted on behalf of the petitioner that he is in custody for about 78 days. It is further submitted amount of narcotics recovered is below commercial quantity. Investigation is complete. Accordingly, he prays for bail.
2. Learned Advocate for the NCB opposes the prayer for bail.
3. We have considered the materials on record. Amount of narcotics recovered is below commercial quantity. Investigation is complete. 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.
4. Therefore, the accused/petitioner, namely **Sh. Biplob Basak @ Biplob Basak**, 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, Murshidabad at Berhampore 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.)