

11.10.2023.
04.
Ct.No.28.
as
(Allowed)

C.R.M. (NDPS) 1662 of 2023

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

In the matter of : **Gaurav Kumar.**

.... Petitioner.

Mr. Suman Bhanja.

...for the Petitioner.

Mr. Arun Kr. Maity (Mohanty),
Mr. L. Vishal Kumar.

...for the UOI.

1. Heard the learned Advocates for the parties.
2. We have considered the materials on record. Petitioner is in custody for 54 days. No narcotics was recovered from his possession. Amount of narcotics recovered from co-accused is also below commercial quantity. He is suffering from various ailments.
3. Under such circumstances, we are inclined to grant bail to the petitioner subject to conditions.
5. Accordingly, the petitioner viz., **Gaurav Kumar** shall be released on bail upon furnishing a bond of Rs.10,000/- 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, Murshidabad at Berhampore subject to condition that he 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 and on

further condition that the petitioner while on bail shall remain within the district of Murshidabad except for the purpose court proceeding and shall provide the address where he shall reside to the Investigating Officer as well as the court below and report to the Officer-in-charge of the Police Station concerned within whose jurisdiction he shall reside once in a week until further orders.

6. In the event the petitioner fails to appear before the Trial Court without any justifiable cause, the trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

7. This application for bail is, thus, disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)