

22.11.2023

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Allowed

C.R.M. (NDPS) No. 1670 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with NCB Crime No. 22/NCB/KOL/2020 under Sections 8(c) read with Sections 20(b)(ii)(C)/23(c) of the N.D.P.S. Act.

And

In Re : Laxman Kumar @ Laxman Kumar Sah petitioner

Mr. Anirban Dutta

Mr. Abhra Jena

.....for the petitioner

Mr. Arun Kumar Maiti (Mohanty)

Mr. Subrata Santra

.....for the NCB

1. Report filed in Court be placed on record.

2. Learned Counsel for the petitioner submits he is in custody for more than two years. No narcotic substance was recovered from his possession. Co-accused are on bail. He may be extended the same relief.

3. Learned Counsel for the NCB opposes the prayer for bail and submits petitioner is a Nepali citizen. He was involved in the conspiracy of trafficking narcotic substance above commercial quantity.

4. We have considered the materials on record. No narcotic substance was recovered from the possession of the petitioner. Allegations with regard to conspiracy is primarily based on CDRs collected during investigation. Contents of the telephonic conversations are not known. It is also contended

that petitioner and co-accused had resided together in a hotel. However, such prior association is not contemporaneous with the alleged incident. Co-accused are on bail. But it is contended petitioner is a foreign national and has criminal antecedents. In the light of the scanty materials collected against the petitioner and keeping in mind the bleak possibility of conclusion of trial in the near future, we are of the opinion apprehension regarding abscondence or commission of similar offences in future may be addressed by subjecting the petitioner to strict conditions instead of prolonging his under-trial detention.

5. Accordingly, we direct that the petitioner shall be released on bail upon furnishing a bond of Rs.25,000/- with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Judge, Special Court under NDPS Act, Alipore, South 24 Parganas, subject to further conditions that while on bail petitioner shall reside within the district of North 24 Parganas and shall provide the address where he shall presently reside to the investigating officer and the court below and shall report to Mr. Ram Gopal Halder, JIO, NCB, once in a week until further orders. Petitioner shall not pray for adjournment or resort to any dilatory tactics during trial. 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.

6. In the event 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. The application for bail is, accordingly, allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)