

18.12.2023
Sl. No.4
akd
[ALLOWED]

C. R. M. (NDPS) 1709 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 10.10.2023 in connection with NDPS Case No.45 of 2020 arising out of NCB Crime No.16/NCB/KOL/2020 dated 09.09.2020 under Sections 8(c)/20(b)(ii)/21(c)/25/27A/28/29 of the NDPS Act.

And

In Re: ***Biswannath Das @ Biswanath Das***

... .. Petitioner

Mr. Sabyasachi Banerjee
Mr. Apalak Basu
Mr. Nazir Ahmed
Ms. Sanghamitra Mriddha

... .. for the petitioner

Mr. Kallol Mondal

... .. for the NCB

1. It is submitted on behalf of the petitioner that he is a dealer in drugs.
He has a valid licence. Accordingly, he prays for bail.
2. Report is placed on record.
3. We have considered the materials on record including the report.
Report does not indicate any proceeding for misuse of licence has been initiated or that the licence is cancelled. It is open to the petitioner to explain the procurement of the drugs which he was entitled to deal with in course of trial. Under such circumstances, we are of the opinion petitioner has been able to rebut the statutory restrictions under Section 37 of the NDPS Act. In view of the aforesaid fact, we are of the opinion further detention of the accused/petitioner is not necessary.
4. Therefore, the accused/petitioner, namely ***Biswannath Das @ Biswanath Das***, 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 & Sessions Judge, 4th Court, Alipore, South 24-Parganas 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.)