

08.11.2023
AD 8
Court no. 8
Sd/br

***In the High Court at Calcutta
Criminal Miscellaneous Jurisdiction
Appellate Side***

CRM (NDPS) 1806 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure filed on 25.10.2023 in connection with Raninagar Police Station Case No. 101 of 2023 dated 22-02-2023 under Sections 21(c)/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

In the matter of : Asidul Sk. @ Kalu Sk.petitioner.

Mr. Arnab Chatterjee
Ms. Chandrima Debnath

...for the petitioner.

Mr. Rafiqul Islam
Mr. Shashanka Shekhar Saha

.....for the State.

1. The petitioner prays for bail. The learned advocate appearing for the petitioner submits that the petitioner/accused was intercepted with 40 bottles of phensedyl and is in custody for about 255 days.
2. Learned advocate for the petitioner further submits that chargesheet has been submitted, but charge has not yet been framed. As a consequence whereof, the trial has also not commenced.
3. Considering the quantity of the contraband articles seized and that the chargesheet has already been submitted, we

do not find that the detention of the petitioner is required any further at this stage for custodial interrogation.

4. Learned advocate for the State opposes the prayer for bail.
5. The provisions of Section 37 of the Narcotic Drugs and Psychotropic Substances Act, 1985, according to us, in the facts and circumstances of the case has got whittled down.
6. We, therefore, allow the application for bail of the present petitioner to the following conditions:
7. The petitioner will be enlarged on bail upon furnishing a bond of Rs.10,000/- (Ten Thousand) with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Berhampore, Murshidabad, on the following conditions:
 - i) The petitioner shall not leave the local limits of the jurisdictional police station where he resides without prior information to the I.C/O.C of the concerned police station.
 - ii) The petitioner should be present in court on the dates when the trial is fixed. In default the trial court shall be at liberty to cancel the bail bond without reference to this Bench.

iii) The petitioner shall co-operate with the trial and shall obey all directions given by the court from time to time.

iv) He shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

8. The trial be concluded as expeditiously as possible without granting any unnecessary adjournments to either of the parties.

9. The application for bail CRM (NDPS) 1806 of 2023 is, accordingly, disposed of.

(Biswaroop Chowdhury, J)

(Arindam Mukherjee, J.)