

**08.11.2023**

Court No.8

Item. 24

**(Suvendu/Sandip)**

**CRM(NDPS) 1822 OF 2023**

In Re: An application for Bail under Section 439 of the Code of Criminal Procedure, 1973 filed in connection with N 33/2020 (Learned Additional District and Sessions Judge, 6<sup>th</sup> Court, Barasat, North 24-Parganas) corresponding to NCB Crime No. 05/2020/KOL under Sections 21(C)/35/29 of the NDPS Act, 1985 for the violation of the prohibition imposed under Section 8(c) of the NDPS Act, 1985.

And

In the matter of: **Damandeep Singh alias Damandip Singh alias Damandwip Singh** ....Petitioner.

Mr. Angshuman Chakraborty  
Mr. Shashanka Shekhar Saha

for the Petitioner.

Mr. Dhiraj Trivedi, Ld. DSG,  
Mr. Uttam Basak

for the NCB.

1. Learned advocate for the petitioner as well as the learned DSG for the Opposite Party /Union of India are present.
2. Heard both the parties.
3. Learned advocate for the petitioner submits that the petitioner is in custody for a period of one year and ten months. Learned advocate for the petitioner further submits that the two co-accused persons are on bail and there was no recovery from the petitioner.
4. Learned advocate for the Opposite Party/ Union of India objects the prayer for bail and relies upon an order dated 24.11.2022 passed by a co-ordinate Bench in CRM (NDPS) 1339 of 2022 with CRAN 1 of 2022

to submit that this Court was pleased to reject the prayer for bail filed by the petitioner.

5. Upon perusal of the materials on record as submitted by the petitioner, it appears that this petitioner on 13.02.2020, after the alleged incident, made an application for release of his seized vehicle.
6. It is not disputed that the petitioner is the owner of the offending vehicle and that there was no recovery from the petitioner. It further appears that in the vehicle, in which the contraband was seized, was not only carrying the contrabands but also carrying some paint materials and as per order of the learned trial court dated 13.02.2020, one, namely Channaveer, the authorized person of M/s Karnataka Road lines Pvt. Ltd. prayed for return of the seized paint materials.
7. Considering the materials on record, the orders of bail passed with regard to the co-accused persons, the period of detention suffered by the petitioner, the subsequent development pursuant to the order passed on 24.11.2022 and upon considering the provisions under Section 37 of the NDPS Act, the prayer for bail is allowed.
8. The petitioner will be enlarged on bail upon furnishing a bond of Rs. 15,000/- (Rupees fifteen thousand only), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned CJM, Barasat, North 24-Parganas on the following conditions:

- (i) The petitioner shall not leave the local limits of the jurisdictional Police Station where he resides without prior intimation 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.

9. The application for bail being CRM (NDPS) 1822 of 2023 is, accordingly, allowed and disposed of.

**(BISWAROOP CHOWDHURY, J.)**

**(ARINDAM MUKHERJEE, J.)**

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