

05.01.2023
Sl. No.1
akd
[ALLOWED]

C. R. M. (NDPS) 1540 of 2022

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 21.12.2022 in connection with T.R. 22 of 2021 under Sections 8(c)/20(b)(ii)(c)/25/29 of the NDPS Act.

And

In Re: ***Kalucharan Pradhan***

... .. Petitioner

Mr. Partha Sarathi Das
Mr. Subhadeep Ghosh

... .. for the petitioner

Mr. Kallol Kumar Basu
Mr. Anindya Bhattacharya

... .. for the UOI (NCB)

Petitioner renews his prayer for bail. It is submitted on behalf of the petitioner that he is in custody for about 830 days. It is further submitted no narcotic substance was recovered from his possession. There is no progress in the matter.

Learned Advocate for the NCB opposes the prayer for bail and submits petitioner is a part of the racket which was involved in dealing in narcotic substance above commercial quantity. Call Data Records (CDRs.) show telephonic communications between petitioner and co-accused from whom narcotic substance was recovered. Petitioner has criminal antecedents.

Learned Advocate for the petitioner submits prior criminal cases do not relate to dealing in narcotic substance.

We have considered the materials on record. We find that no narcotic substance was recovered from the possession of the petitioner. Though telephonic communications between petitioner and co-accused are forthcoming, there is no legally admissible evidence to corroborate such material. There is hardly any progress in the matter since rejection

of bail by this court. There is little possibility of the trial concluding in near future. Under such circumstances and in view of the period of detention suffered by the petitioner, we are of the opinion further detention of the accused/petitioner is not necessary.

Therefore, the accused/petitioner, namely ***Kalucharan Pradhan***, 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 Judge, Howrah 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.

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.

The application for bail, thus, stands **allowed**.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)