

10.01.2024

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Allowed

C.R.M. (NDPS) No. 24 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Asansol North Police Station Case No. 392 of 2023 dated 14.09.2023 under Sections 20(b)(ii)(c)/25/29 of the N.D.P.S. Act.

And

In Re : Ranjit Roy @ Ranjeet Roy petitioner

Mr. Ayan Basu
Sk. Salim
Mr. Sumit Routh

.....for the petitioner

Mr. Shibaji Kumar Das

.....for the State

1. Learned Counsel for the petitioner submits he is in custody for 119 days. It is also submitted that no narcotics was recovered from his possession. He prays for bail.

2. Learned Counsel for the State opposes the prayer for bail and submits there was telephonic communication between the petitioner and co-accused from whom narcotics was recovered.

3. We have considered the materials on record. No narcotics have been recovered from the possession of the petitioner. Prosecution primarily relies on telephonic conversations between the petitioner and co-accused from whom narcotics was recovered. However, contents of the conversation are not known. No other legally admissible evidence implicating the petitioner in the crime is placed on

record. In view of scanty materials on record we are of the opinion petitioner has been able to rebut the statutory restrictions under Section 37 of the NDPS Act and may be enlarged on bail.

4. Accordingly, we direct that the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- 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-cum-learned Additional Sessions Judge, 3rd Court, Asansol, Paschim Bardhaman, subject to condition that 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.

5. 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.

6. The application for bail is, accordingly, allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)