

13.02.2024
Sl. No.14
akd
[ALLOWED]

C. R. M. (NDPS) 281 of 2024

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 30.01.2024 in connection with Hili Police Station Case No.31 of 2023 dated 06.02.2023 under Sections 186/188/353/379/411/307 of the Indian Penal Code and Sections 21(c)/22(c)/23(c)/27A of the NDPS Act. (NDPS Case No.14 of 2023)

And

In Re: ***Sujay Das @ Gara***

... .. Petitioner

Mr. Arnab Chatterjee
Mr. Sourav Mukherjee
Ms. Dhanasree Biswas
Ms. Poulami Bose

... .. for the petitioner

Ms. Subhasree Patel

... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for about 76 days. It is further submitted no narcotics was recovered from his possession. Co-accused viz. Rana Das @ Rana Sarkar @ Rana Das Sarkar similarly circumstanced with the petitioner has been enlarged on bail. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the prayer for bail.
3. We have considered the materials on record. We find no narcotics was recovered from the possession of the petitioner. Co-accused viz. Rana Das @ Rana Sarkar @ Rana Das Sarkar has been enlarged on bail. Petitioner stands on the same footing with the said co-accused. 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.
4. Therefore, the accused/petitioner, namely ***Sujay Das @ Gara***, 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, 3rd Court, Balurghat, Dakshin Dinajpur 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.)