

12.04.2024
Sl. No.3
akd
[ALLOWED]

C. R. M. (NDPS) 497 of 2024

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 05.03.2024 in connection with NCB Crime No. 09/NCB/KOL/2023 dated 12.02.2023 under Sections 8(c)/20(b)(ii)(c) of the NDPS Act.

And

In Re: **Anil Kumar Ray @ Anil Ray**

... .. Petitioner

Sk. Toslim Ali

... .. for the petitioner

Mr. Anirban Mitra
Mr. Sourav Mondal

... .. for the NCB

1. Heard the learned Advocates appearing for both the parties.
2. We have considered the materials on record. Narcotics i.e. 23 kgs. of *Ganja* was recovered from co-accused. Complicity of the petitioner is based on statements under Section 67 of the NDPS Act and Call Detail Records (CDRs) collected during investigation. Statements under Section 67 of the NDPS Act are inadmissible in law. Call Detail Records (CDRs) show telephonic conversations (*contents whereof are unknown*) between petitioner and co-accused from whom narcotics was recovered. Under such circumstances, we are of the opinion petitioner has been able to rebut the statutory restrictions under Section 37 of the NDPS Act and may be released on bail however, subject to strict conditions.
3. Therefore, the accused/petitioner, namely **Anil Kumar Ray @ Anil Ray**, 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, 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 and on further condition that the petitioner, while on bail, shall remain within the district of Howrah and shall provide the address where he shall presently reside to the Investigating Agency as well as the court below and shall report to the Investigating Officer having office at Narcotics Control Bureau (NCB), Kolkata Zonal Unit, Premises No.04-0321, Plot No. DJ-2, Street No. 321, P.O. New Town Action Area-III, New Town, Rajarhat, Kolkata – 700 160 once in a month until further orders.

4. 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.
5. The application for bail, thus, stands allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)