

C. R. M. (NDPS) 530 of 2024

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 12.03.2024 in connection with Hili Police Station Case No.225 of 2022 dated 22.09.2022 under Sections 21(c)/22(c)/23(c)/27A of the NDPS Act.

And

In Re: **Bablu Ghosh**

... .. Petitioner

Ms. Sujata Das

... .. for the petitioner

Mr. Bitasok Banerjee

... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for about 305 days. It is further submitted petitioner was not dealing in drugs and narcotics was kept in his storeroom by his brother viz. Dipak Ghosh who is 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 including the statements of witnesses. Witnesses stated that narcotics was recovered from the storeroom of the petitioner. However, they clarified that petitioner and his brother viz. Dipak Ghosh had quarreled and the latter had kept the narcotics in the storeroom. Dipak Ghosh has been enlarged on bail. Keeping in mind the aforesaid facts and 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 **Bablu Ghosh**, 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 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.)