

16.04.2024
Sl. No.8
akd
[ALLOWED]

C. R. M. (NDPS) 637 of 2024

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 02.04.2024 in connection with NCB Crime No. 20/NCB/KOL/2021 dated 10.06.2021 under Sections 8(c)/20(b)(ii)(c)/25/29 of the NDPS Act.

And

In Re: **Bapuni Mehena**

... .. Petitioner

Mr. Tapodip Gupta
Sk. Toslim Ali
Mr. Suman Bhanja

... .. for the petitioner

Mr. Sourav Chatterjee
Mr. Arka Bhattacharya

... .. for the NCB

1. It is submitted on behalf of the petitioner that he is in custody for about 128 days. It is further submitted no narcotics was recovered from his possession. Co-accused similarly circumstanced with the petitioner have been enlarged on bail. Accordingly, he prays for bail.
2. Learned Advocate for the NCB opposes the prayer for bail and submits petitioner did not cooperate with the investigation. He had absconded and was arrested after issuance of warrant and proclamation. Trial is in progress.
3. We have considered the materials on record. No narcotic substance was recovered from the possession of the petitioner. His complicity has transpired from telephonic conversations (*contents whereof are unknown*). Co-accused similarly circumstanced with the petitioner have been enlarged on bail. In view of the scanty evidence 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 released on bail however, subject to strict conditions.

4. Therefore, the accused/petitioner, namely **Bapuni Mehena**, 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 viz. Inspector Amal Kumar Sadhukhan 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 week until further orders.
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.)