

26.04.2024
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allowed

CRM(NDPS) No. 718 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Durgapur Police Station Case No. 506 of 2023 dated 02.10.2023 under Sections 21(c)/25/29 of the NDPS Act.

And
In Re : Bikash @ Vikash Kumar Gupta petitioner

Ms. Minoti Gomes
Mr. Sayan Dev Kumar
....for the petitioner

Mr. Koushik Kundu
Mr. Asraf Mandal
.... for the State

1. Learned Counsel for the petitioner submits he is in custody for five months. It is also submitted there is no evidence to connect him with the illegal transportation of narcotics. Accordingly, he prays for bail.

2. Learned Counsel for the State opposes the prayer for bail and submits CDRs collected during investigation show there was telephonic conversation between the petitioner and co-accused who was driving the truck containing narcotics. Narcotics was kept under a consignment of porcelain cups. Petitioner is the dealer of porcelain products.

3. We have considered the materials on record. No narcotics was recovered from the petitioner. His complicity is based on CDRs which show telephonic communication between him and co-accused from whom narcotics was recovered. Contents of conversation are not known. No consignment note in

the name of the petitioner with regard to porcelain cups which were used to conceal narcotics 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 he 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, 3rd Court, Asansol, Paschim Burdwan, on further condition that petitioner shall remain within the district of Paschim Burdwan until further orders except for the purpose of attending court proceeding and shall report to the Officer-in-Charge of the concerned Police Station once in a week until further orders. 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 the petitioner fails to appear before the trial court without 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.)