

113.
14-05-2024
(ct. no.06)
debajyoti

CRM (NDPS) 803 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with Sagardighi Police Station Case No.87 of 2024 dated 28-02-2024 under Sections 20(b)(ii)(B)/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

- A n d -

In the matter of : Nikhil Sarkar & Anr.

.... Petitioners.

Mr. Arnab Chatterjee,
Ms. Poulami Bose,
Ms. Dhanasree Biswas

... For the Petitioners.

Mr. Ashok Das

... For the State._

The charge is under NDPS Act. Intermediate quantity of contraband has been recovered from the possession of the petitioners. Investigation is complete. Charge sheet has been submitted. The petitioners are in custody for 75 days.

Learned advocate for the State opposes the prayer for bail and produces the Case Diary.

Since commercial quantity of contraband is not involved, the restriction under Section 37 of the NDPS Act is not attracted. No useful purpose will be served by keeping the petitioners in custody any further.

On an overall consideration of the nature and gravity of the offence and the facts and circumstances of the case, we are inclined to enlarge the petitioners on bail.

Accordingly, we direct that the petitioners, namely, **Nikhil Sarkar** and **Sekhar Das**, shall be released on bail upon furnishing bonds of Rs.10,000/- (Rupees Ten Thousand) each, with two sureties of like amount each, one of whom must be local, to the satisfaction of learned Judge, Special Court under NDPS Court, Berhampore, Murshidabad. The petitioners shall appear before the trial Court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever. The petitioners shall remain within the jurisdiction of the local police station and shall report to the Officer-in-Charge of the said police station once every fortnight until further orders.

In the event the petitioners fail to adhere to any of the conditions stipulated above without justifiable cause, the trial Court shall be at liberty to cancel their bail in accordance with law without further reference to this Court.

The application for bail being CRM (NDPS) 803 of 2024 is, thus, **allowed**.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

Criminal Section is directed to supply certified copies of this order to the parties, if applied for, upon compliance of all necessary formalities.

(Prasenjit Biswas, J.)

(Arijit Banerjee, J.)