

47. 12.06.2024
Court
No.28 (Tanmoy)

Allowed

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (NDPS) 835 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973, in connection with **N 26 of 2024** arising out of **Eco Park Police Station Case No. 52 of 2024**, dated **24.03.2024** under Sections **21(b)/25** of the NDPS Act, 1985.

And

In the matter of: - **Tapan Roy & Anr.**

...petitioners.

Mr. Angshuman Chakraborty, Adv.,
Mr. Shashanka Shekhar Saha, Adv.

...for the petitioners.

Mr. Manoranjan Mahata, Adv.

...for the State.

Intermediate quantity of heroin (218 grams) was allegedly recovered from the joint possession of the petitioners. The petitioners are in custody for about three months. Charge-sheet has been filed after completion of investigation. The petitioners pray for bail.

Learned Advocate for the State opposes the prayer for bail.

Considering that intermediate quantity of heroin being a contraband item is involved, the restriction in Section 37 of the Narcotic Drugs and Psychotropic Substances Act, 1985, shall not apply.

On an overall consideration of the facts and circumstances of the case including the fact that investigation is complete, we allow this application for bail.

Accordingly, we direct that the petitioners, namely, **1. Tapan Roy, 2. Bhutto Sk. @ Vutto Sekh**, shall be released on bail upon furnishing a bond of Rs.25,000/- (Twenty Five Thousand) each with two registered sureties of like amount each, one of whom must be local, to the satisfaction of the learned Judge, Special Court (under NDPS Act) Barasat, North 24-parganas, subject to condition that the present petitioners shall appear before the learned Trial Court on each date of substantive hearing subject to the provisions of Section 317 of the Code of Criminal Procedure, 1973. The petitioners shall remain within the jurisdiction of the learned Trial Court till conclusion of trial unless such conditions have been relaxed by the learned Trial Court.

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

The application for bail being CRM (NDPS) 835 of 2024 is accordingly disposed of.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)