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10-06-2024
(ct. no.28)
KOLE
Allowed

CRM (NDPS) 834 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Karimpur Police Station** Case No. **122 of 2023** dated **22.05.2023** under Sections **20(b)(ii)(c)/27A/25** of the NDPS Act.

- A n d -

In the matter of : Amit Swarnakar

.... Petitioner.

Md. Golam Nure Imrohi,

... For the Petitioner.

Mr. S. S. Imam,

Mr. A. Verma,

... For the State.

The petitioner says that he is in custody for 77 days.

There was no seizure of contraband item from him. He should be granted bail. The State produces the case diary. We have seen statement of witnesses recorded. We see from the seizure list that nothing was recovered from the petitioner.

The State, however, says that the petitioner was in the car from which the commercial quantity of contraband was seized. However, upon the police apprehending the vehicle, the petitioner ran away. Learned Advocate for the State further submits that the petitioner's prayer for anticipatory bail was rejected. Thereafter, he was detained in custody. We are told that investigation has been completed and charge sheet has been filed. Further, since there does not appear to be any seizure from the petitioner, the restriction in Section 37 of the NDPS Act may not apply.

On an overall assessment of the facts and circumstances of the case and the material in the case diary, we are inclined to extend the privilege of bail to the petitioner.

Accordingly, we direct that the petitioner, namely, **Amit Swarnakar**, shall be released on bail upon furnishing a bond of Rs. 25,000/-, with two sureties of like amount each, one of whom must be local, to the satisfaction of the Learned Judge, Special Court, NDPS, Krishnagar, Nadia and on further conditions that he shall not leave the jurisdiction of the concerned police station and shall report to the Officer-in-Charge of the concerned police station once in a fortnight until further orders. The petitioner 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.

In the event the petitioner fails to adhere to any of the conditions stipulated above without justifiable cause, the trial court shall be at liberty to cancel the petitioner's bail in accordance with law without further reference to this court.

The application for bail is, accordingly, allowed.

All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(**Apurba Sinha Ray, J.)**

(**Arijit Banerjee, J.)**