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

CRM (NDPS) 859 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Beliabera Police Station** Case No. **20 of 2024** dated **10.03.2024** under Sections **20(b)(ii)(B)** of the NDPS Act.

- A n d -

In the matter of : Gopal Mahapatra & Anr.

.... Petitioners.

Mr. Avik Ghatak,
Mr. Sagnik Mukherjee,

... For the Petitioners.

Mr. Jaydeep Biswas,
Ms. Puja Goswami,

... For the State.

The prosecution case is that approximately 13 kgs of ganja was recovered from the petitioners. Hence, in view of Section 37 of the NDPS Act, bail should not be granted to the petitioners.

The petitioners say that they are in custody for 90 days. Investigation is complete. Charge sheet has been filed. Charge is scheduled to be framed on June 15, 2024. Since commercial quantity of contraband is not involved, the restrictions in Section 37 of the NDPS Act will not apply.

Having considered the facts and circumstances of the case and the material in the case diary, we find that intermediate quantity of contraband item is involved in this case. The restriction under Section 37 of the NDPS Act will, therefore, not apply. The petitioners are in custody for 90 days. There are 20 witnesses. There is little likelihood of the trial being concluded at an early date.

Signed By :
ABHIJIT KOLE
High Court of
Calcutta
10 th of June
2024 06:11:36
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Accordingly, keeping in mind the importance of personal liberty in the context of Article 21 of the Constitution of India, we are inclined to grant bail to the petitioner but on stringent conditions.

Accordingly, we direct that the petitioners, namely, **Gopal Mahapatra and Sandeep Kharanga**, shall be released on bail upon furnishing a bond of Rs. 25,000/- each, with two sureties of like amount each, one of whom must be local, to the satisfaction of the Learned Sessions Judge, 1st Court, Jhargram cum Judge Special Court under NDPS Act and on further conditions that they 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 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.

Signed By :
ABHIJIT KOLE
High Court of
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10 th of June
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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 the petitioners' 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.)**