

19.06.2024
Sl. No.31
akd
[ALLOWED]

C. R. M. (NDPS) 864 of 2024

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 20.05.2024 in connection with Balurghat Police Station Case No.996 of 2023 dated 11.12.2023 under Sections 21(c)/22(c)/23(c)/27A/28/29 of the NDPS Act. (NDPS Case No.96 of 2023)

And

In Re: ***Dhananjay Halder & Anr.***

... .. Petitioners

Mrs. Sujata Das

... .. for the petitioners

Mr. Manoranjan Mahata

... .. for the State

The petitioners say that there was no recovery of contraband from them. They have been falsely implicated on the basis of the statement made by a co-accused person. They are in custody for 124 days. Another co-accused namely, Rejaul Sarkar was enlarged on bail by a coordinate Bench by order dated March 5, 2024 passed in CRM (NDPS) 434 of 2024. They are similarly circumstanced as Rejaul Sarkar.

Learned Advocate for the State in his usual fairness admits that there was no recovery from the petitioners. He further says that charge sheet has been filed.

In view of the fact that there was no recovery from the petitioners and they have been implicated only on the basis of statements made by co-accused and also keeping in mind that charge sheet has been filed upon completion of investigation, and on an overall consideration of the material on record, we are of the view that the petitioners have been able to overcome the restrictions under Section 37 of the NDPS Act and they may be enlarged on bail.

Accordingly, we direct that the petitioners, namely **(1) Dhananjay Halder & (2) Bidhan Halder**, 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 Judge, Special Court under the NDPS Act-cum-Additional District & Sessions Judge, 3rd Court, Dakshin Dinajpur at Balurghat 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 trial court till conclusion of trial unless such conditions have been relaxed by the learned trial court.

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 and/or commit any cognizable offence in any manner whatsoever.

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) 864 of 2024 is accordingly disposed of.

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

(Arijit Banerjee, J.)

(Gaurang Kanth, J.)

