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Allowed

CRM (NDPS) 906 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure filed on 30.05.2024 in connection with NDPS Case No.29 of 2022 arising out of Special Task Force Police Station, Kolkata, Case No.20 of 2022 dated 27.07.2022 under Sections 22(c)/23(c)/29 of the NDPS Act, 1985.

In the matter of : Kombathula Joshua Rao @ Justin
... Petitioner

Mr. Apalak Basu,
Mr. Nazir Ahmed,
Mr. Soumyajit Chakraborty
...for the Petitioner

Ms. Amita Gaur,
Ms. Sujata Das,
Mr. Rahul Ganguly
.....for the State

As it appears from the Forensic Examination Report dated December 30, 2022 that only 0.1638 grams of Psychotropic Substance (LSD) has been recovered from the possession of the petitioner.

It has been submitted by the State that before the trial Court the evidence has already been commenced and out of nine witnesses, four have been already examined.

Having regard to the fact that the petitioner, an undergraduate student, is in custody for about one year and ten months and the amount of psychotropic substance recovered from the possession of the petitioner is marginally higher than the commercial quantity, we are of the opinion that further custodial trial of the petitioner is not necessary in this case.

In the aforesaid fact, CRM (NDPS) 906 of 2024 is allowed on condition that the petitioner shall furnish a bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Judge, Bench-I (NDPS Act), City Sessions Court at Calcutta.

The petitioner shall attend the day-to-day trial and in the event the petitioner does not appear before the trial Court, the learned Judge in the Court below, shall be at liberty to cancel the bail of the petitioner without making any reference to this Court.

CRM (NDPS) 906 of 2024 is, accordingly, disposed of.

Criminal Section is directed to supply certified copy of this order, if applied for, upon compliance of necessary formalities.

(Kausik Chanda, J.)

(Apurba Sinha Ray, J.)