

19.06.2024
tkm/ct 28
sl no. 41

C.R.M. (NDPS) 945 of 2024

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Entally P.S case no. 270 of 2023 dated 14.9.2023 under sections 20(b)(ii)(c)/29 of the NDPS Act
and

Allowed

In Re : Avijit Ghosh alias Rinku alias Avijeet Ghosh
..... petitioner

Mr. Angshuman Chakraborty
Mr. S S Saha
..... for the petitioner

Mr. Pravash Bhattacharya
Mr. Dipankar Paramanick
..... for the State

1. The petitioner says that there was no recovery of contraband from him. He has been implicated on the basis of the statements made by co-accused persons. He is in custody for nine months. Charge-sheet has been filed upon conclusion of investigation.
2. Learned advocate for the State opposes the prayer for bail. He says that date for recording evidence has been fixed on July 22, 2024.
3. We are told eight witnesses are yet to be examined which will take some time. On an overall assessment of the materials on record and the possible extent of complicity of the petitioner in the alleged offence and considering that he has been in custody for nine months, we are of the view that he has been able to overcome the restriction in section 37 of the NDPS Act.
4. Accordingly, we direct that the petitioner, namely Avijit Ghosh alias Rinku alias Avijeet Ghosh 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 CJM South 24 Parganas at Alipore on condition that the present petitioner shall appear before the learned trial court on every date of substantive hearing subject to the provisions of Section 317 of the Code of Criminal Procedure. The petitioner shall remain within the jurisdiction of the Trial court till conclusion of trial unless such conditions have been relaxed by the learned trial court.

5. The petitioner shall not intimidate the witnesses and/or tamper with evidence and/or commit any cognizable offence in any manner whatsoever.

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

7. The application being CRM (NDPS) 945 of 2024 is accordingly disposed of.

8. 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.

(Gaurang Kanth, J.)

(Arijit Banerjee, J.)