

24.07.2024
Item no.06.
Court No.28.
S. De
(Allowed)

CRM (NDPS) No. 1105 of 2024

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure in connection with New Alipore Police Station Case No. 65 of 2021 dated 19.02.2021 under Sections 21(b)/29 of the Narcotics Drugs and Psychotropic Substances Act, 1985.

And

In the matter of : Aryan Dev @ Vivan.

.....Petitioner.

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

Mr. Sandip Chakraborty,
Ms. Suruchi Saha,for the State.

Dictated by Partha Sarathi Sen, J.

- 1) In course of his argument, learned advocate for the accused petitioner, at the very outset, draws attention of ours to the order dated March 2, 2022 as passed by a Co-ordinate Bench of this Court in CRM (NDPS) No.110 of 2022. It is submitted that due to misconception, the present accused petitioner failed to appear before the learned Trial Court on the date fixed and as a result whereof, the learned Trial Court issued non-bailable warrant of arrest and the present accused petitioner was arrested on May 20, 2024.

- 2) It is further submitted that the basis of misconception of the present accused petitioner was an order of a co-ordinate Bench of this Court regarding setting aside of taking cognizance against the accused persons in connection with the case in hand which was subsequently modified by the Hon'ble Apex Court.
- 3) Learned advocate for the State however, opposes such prayer.
- 4) On perusal of the entire material as placed before us, it appears to us that the present accused petitioner has learnt sufficient lesson for non-compliance of the conditions of the order of bail as granted to him earlier. Considering the period of incarceration, we are however, inclined to take a lenient approach and grant bail.
- 5) Accordingly, the prayer for bail is allowed.
- 6) Accordingly, we direct that the petitioner, namely, **Aryan Dev @ Vivan** shall be released on bail upon furnishing a bond of Rs.10,000/- , with two sureties of like amount each, one of whom must be local to the satisfaction of the learned Judge, Special Court (under N.D.P.S. Act), Alipore, South 24-Parganas on condition that the present accused petitioner shall appear before the Trial court on each date of substantive hearing subject to the provisions of Section 317 Cr.P.C. and shall not intimidate the witnesses and/or tamper with evidence and/or commit any cognizable offence in any manner whatsoever.

- 7) 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.
- 8) The application for bail is, accordingly, allowed.
- 9) All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Partha Sarathi Sen, J.)

(Arijit Banerjee, J.)