

23.
24-07-2024
(ct. no.28)
debajyoti
(allowed)

CRM (NDPS) 1138 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure read with Section 483 of the Bharatiya Nagarik Suraksha Sanhita in connection with Raiganj Police Station Case No.35 of 2024 dated 10-01-2024 under Sections 21(c)/27/29 of the Narcotic Drugs and Psychotropic Substances Act.

- A n d -

In the matter of : Ashutosh Sarkar @ Ashu

.... Petitioner.

Mr. Kaushik Choudhury,
Ms. B. Khatoon

... For the Petitioner.

Mr. Prasun Dutta, learned APP,
Ms. Mousumi Sarkar

... For the State.

Dictated by Arijit Banerjee, J.

The petitioner says that nothing was recovered from him. He has been implicated only on the basis of statement made by co-accused person. Another accused person standing on the same footing has been enlarged on bail by this Court by an order dated March 08, 2024.

Learned Additional Public Prosecutor, in his usual fairness, does not contradict the stand of the petitioner. Accordingly, we are of the view that the petitioner has been able to overcome the restrictions in Section 37 of the NDPS Act and is entitled to bail.

Accordingly, we direct that the petitioner, namely, **Ashutosh Sarkar @ Ashu**, shall be released on bail upon furnishing a bond of Rs.25,000/- (Rupees Twenty Five Thousand), with two sureties of like amount each, one of whom must be local, to the satisfaction of learned Judge, Special Court under NDPS Act, Raiganj, Uttar Dinajpur. The

petitioner shall appear before the trial Court on every date of substantive hearing subject to the provisions of Section 317 of the Code of Criminal Procedure and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever. The petitioner shall not leave the jurisdiction of the local police station except for the purpose of attending the court proceedings and shall report to the Officer-in-Charge of the said police station once in a week, until further orders.

In the event the petitioner fails to comply with any of the conditions stipulated above, the trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

The application for bail being CRM (NDPS) 1138 of 2024 is, thus, **allowed**.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

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

(Partha Sarathi Sen, J.)

(Arijit Banerjee, J.)