

24.07.2024
Item no.09.
Court No.28.
S. De
(Allowed)

CRM (NDPS) No. 1124 of 2024

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure in connection with NCB Crime No.07/NCB/KOL/2023 dated 09.02.2023 under Sections 9(c)/21(c)/29 of the Narcotics Drugs and Psychotropic Substances Act, 1985.

And

In the matter of : Dudu Mallick.

.....Petitioner.

Mr. Snehansu Majumder,
.....for the Petitioner.

Mr. Kallol Kumar Basu,
Ms. Ranjana Chatterjee,for the NCB.

Dictated by Partha Sarathi Sen, J.

- 1) Report filed by the NCB is taken on record.
- 2) It is submitted on behalf of the petitioner that the basis of implication of the present accused petitioner is the statement of the co-accused and the present accused petitioner surrendered on April 30, 2024, whereafter he was taken into custody. Learned advocate for the petitioner thus prays for bail.
- 3) While opposing the prayer for bail, learned advocate for the NCB submits before this Court that the present accused petitioner was very much present at the place of seizure along with the other co-accused persons and somehow he

could manage to flee and the present accused petitioner surrendered only after issuance of warrant of proclamation and attachment as against him.

- 4) On perusal of the entire materials as placed before us and after giving due regard to the submissions of the counsel of the parties, we are convinced that the present accused petitioner is successful in diluting the restriction under Section 37 of the N.D.P.S. Act.
- 5) Accordingly, we direct that the petitioner, namely, **Dudu Mallick** 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), Nadia, Krishnagar 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.
- 6) 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.
- 7) The application for bail is, accordingly, allowed.

- 8) 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.)