

24.07.2024
Item no.12.
Court No.28.
S. De
(Allowed)

CRM (NDPS) No. 1127 of 2024

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure in connection with Patiram Police Station Case No.220 of 2023 dated 12.10.2023 under Sections 20(b)(ii)(C)/21(c)/22(c)/23(c)/27A/28/29 of the Narcotics Drugs and Psychotropic Substances Act, 1985.

And

In the matter of : Surojit Das.

.....Petitioner.

Mr. Anirban Guhathakrta,
Mr. Sujan Chatterjee,
Mr. Souparna Sinha,for the Petitioner.

Mr. Rana Mukherjee, Ld. APP
Mr. Shiladitya Banerjee,for the State.

Dictated by Partha Sarathi Sen, J.

- 1) It is submitted on behalf of the petitioner that considering the fact that the present accused petitioner is languishing in judicial custody since February 9, 2024 and considering the fact that the basis of the implication of the present accused petitioner is the statement of a co-accused, the instant application for bail may be considered favourably.
- 2) In course of his argument, learned advocate for the petitioner also draws our attention to the evidence of PW-1 and PW-2 who are the seizure witnesses.
- 3) While opposing the prayer for bail, learned advocate for the State however, submits that the commercial quantity of

contraband was recovered from the possession of a co-accused and from the place of seizure, the present accused petitioner managed to escape.

- 4) On perusal of the entire materials as placed before us including the evidence of the PW-1 and PW-2 as recorded by the learned Trial Court, we are of the considered view that the present accused petitioner is successful in overcoming the statutory restriction under Section 37 of the N.D.P.S. Act.
- 5) Accordingly, we direct that the petitioner, namely, **Surojit Das** 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), Balurghat, Dakshin Dinajpur 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.)