

02
25-09-2024
(ct. no.28)
S. De
(Allowed)

CRM (NDPS) 1258 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure corresponding to Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, in connection with **Durgapur New Township Police Station** Case No. **160** of **2023** dated **01.10.2023** under Sections **21(c)/25/29** of the Narcotic Drugs & Psychotropic Substances Act 1985.

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In the matter of : Bikash Kumar Gupta @ Vikash Kumar Gupta.
.... Petitioner.

Mr. Phiroze Edulji,
Mr. Debangana Bhattacharjee,
Mr. Avik Ghatak,
Mr. Samik Chatterjee,
Mr. Fahad Imam,
Mr. Mahirul Islam, ... For the Petitioner.

Mr. Debasish Roy, Ld. P.P.,
Mr. Kaushik Biswas,
Mr. Abhinaba Mukherjee, ... For the State.

Order dictated by Arijit Banerjee, J.

1. The petitioner says that there was no recovery of contraband items from him. He has been implicated on the basis of statement made by a co-accused person. There is also no other link between him and the alleged offence.
2. While opposing the prayer for bail, learned Public Prosecutor draws our attention to the material in the case diary. Prima facie, we do not find any such incriminating material against the petitioner as would justify his continued detention in custody.
3. Accordingly, we direct that the petitioner, namely, **Bikash Kumar Gupta @ Vikash Kumar Gupta** 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 Judge, Special Court (under the NDPS Act), Asansol, Paschim Bardhaman and on further conditions that he shall not leave the jurisdiction of the concerned police station and shall report to the Officer-in-Charge of the concerned police station once in a fortnight until further orders.

4. The petitioner shall appear before the trial Court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.
5. 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.
6. The application for bail is, accordingly, allowed.
7. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)