

37.
01-10-2024
(ct. no.28)
debajyoti
(allowed)

CRM (NDPS) 1454 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure/483 of the Bhartiya Nagarik Suraksha Sanhita in connection with Sankrail Police Station Case No.681 of 2023 dated 07-09-2023 under Sections 21(c)/25/28/29 of the Narcotic Drugs and Psychotropic Substances Act.

- A n d -

In the matter of : Ram Ji Singh @ Rinku

.... Petitioner.

Mr. Milon Mukherjee, Sr. Adv.,
Mr. Achin Jana,
Mr. Suman Chakraborty,
Mr. Prosenjit Ghosh,
Mr. Bhaskar Dalui

... For the Petitioner.

Ms. Afreen Begum

... For the State.

Dictated by Apurba Sinha Ray, J.

Learned Senior Counsel for the petitioner submits that the petitioner is in custody for about one year ten days. There is no incriminating material against him excepting the fact that he acted as the transporter of the contraband items which he did unknowingly. The petitioner has been arrested on the basis of statement of a co-accused person. He further submits that since the investigation is complete, he may be granted bail on any condition.

While opposing the prayer for bail, learned advocate for the State, submits that the petitioner has been arrested on the basis of statement of a co-accused person. However, there is no money trail in the account of the present petitioner

from the concerned accused person. Still, if he is granted bail, the prosecution may suffer.

We have considered the material in the Case Diary. it appears that the petitioner has been entangled on the basis of statement of a co-accused person. Further, there is no criminal antecedent of the present petitioner so far. However, as investigation is complete and the petitioner has been able to show *prima facie* that he merely acted as a transporter of the consignment without knowing that the same was containing contraband items, we find that restrictions in Section 37 of the NDPS Act stand rebutted.

Accordingly, we direct that the petitioner, namely, **Ram Ji Singh @ Rinku**, 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, Additional District & Sessions Judge, 3rd Court, Howrah. The petitioner shall appear before the trial Court on every date of hearing and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever. The petitioner shall not leave the jurisdiction of Sankrail Police Station except for the purpose of attending the court proceedings, until further orders, and shall report to the Officer-in-Charge/Inspector-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) 1454 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.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)