

05.11.2024

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Allowed

C.R.M. (NDPS) No. 1513 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure correspondence to Section 483 of BNSS in connection with NCB Crime No. 03/NCB/KOL/2024 dated 06.03.2024 under Section 8(c) read with Section 20(b)(ii)(c) of the N.D.P.S. Act.

And

In Re : Samir Kumar Ghosh @ Samir Ghosh petitioner

Mr. Sumanta Das

Mr. Avilash Tripathi

.... for the petitioner

Mr. Krishnendu Bhattacharya

Mr. Priyankar Ganguoly

.... for the NCB

1. Report submitted in Court is kept on record.
2. Learned Counsel for the petitioner submits he is in custody for 144 days. It is also submitted no narcotics was recovered from his possession. There is no possibility of trial concluding in the near future. Accordingly, he prays for bail.
3. Learned Counsel for the NCB submits petitioner is one of the conspirators involved in trafficking narcotics. Call detail records (CDRs) show repeated telephonic conversations between petitioner and co-accused from whom narcotics above commercial quantity was recovered.
4. We have considered the materials on record. No narcotics was recovered from the petitioner. His complicity is based on CDRs which show frequent telephonic conversations

between petitioner and co-accused. Contents of the said conversations are not known. In view of the aforesaid slender materials on record we are of the opinion petitioner has been able to rebut the statutory restrictions under Section 37 of the NDPS Act and he may be granted bail. We are further bolstered to come to such conclusion as some of the co-accused are absconding and possibility of commencement of trial is bleak.

5. Accordingly, we direct that the petitioner 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 NDPS Act, at Krishnagar, Nadia, subject to condition that petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

6. In the event petitioner fails to appear before the trial court without any justifiable cause, the trial court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

7. The application for bail is, accordingly, allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)

