

03.01.2024

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Allowed

C.R.M. (NDPS) No. 2078 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Asansol South Police Station Case No. 363 of 2023 dated 13.10.2023 under Sections 21(b)/29 of the N.D.P.S. Act.

And

In Re : Gopi Singh petitioner

Mr. Avik Ghatak
Mr. Fahad Imam

.....for the petitioner

Ms. Amita Gaur

.....for the State

1. Heard the learned Counsels for the parties.

2. We have considered the materials on record. Amount of narcotics recovered is below commercial quantity i.e. 46.44 gms. of Heroin. There is no further development in investigation. Under such circumstances, we are of the opinion further detention of the petitioner is not necessary and he may be enlarged on bail.

3. 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, Asansol, 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.

4. 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.

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

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)