

Allowed

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (NDPS) 1968 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973 / Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, arising out of **Mogra Excise Circle, SL No.29/24-25**, dated **30.9.2024** under Sections **22(b)/8(c)** of the NDPS Act, 1985.

And

In the matter of: - **Sri Sunil Kumar Gupta**

...petitioner.

Mr. Arup Kumar Bhowmick

...for the petitioner.

Mr. Saibal Bapuli, APP

Mr. Sujan Chatterjee

...for the State.

Dictated by Arijit Banerjee, J.

1. The petitioner says that allegedly 06 Kgs. of *ganja* was recovered from his possession. Investigation is complete. Charge has been framed. He is in custody for 114 days. His further custodial detention is unnecessary. He prays for bail.
2. We have heard learned Counsel for the State who opposed the prayer for bail.
3. We find that intermediate quantity of *ganja* is involved. Therefore, the restrictions in Section 37 of the Narcotic Drugs and Psychotropic Substances Act, 1985, would not apply.
4. On an overall consideration of the material on record and since investigation is complete, we are of the view that further custodial detention of the petitioner is not necessary.
5. Hence, we allow the petitioner's prayer for bail.

6. Accordingly, we direct that the petitioner, namely, **Sri Sunil Kumar Gupta** 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 the learned Additional Sessions Judge-cum-Judge, Special Court Hooghly, subject to condition that the petitioner shall appear before the Trial Court on each and every date of substantive hearing subject to the provisions of Section 317 of the Code of Criminal Procedure, 1973 / Section 355 of Bharatiya Nagarik Suraksha Sanhita, 2023, and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.
7. In the event the petitioner fails to adhere to any of the conditions stipulated above 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.
8. The application for bail being CRM (NDPS) 1968 of 2024 is accordingly disposed of.
9. Criminal Section is directed to make available urgent photostat certified copies of this order to the parties, if applied for, upon compliance with all requisite formalities.

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)