

Order No. 05 dt. 09.02.24

Today is fixed for production and I.O.'s report.

Both the accused persons in custody namely Sushil Sarkar and Jayanta @ Joydeb Roy are produced from J.C. today. I.O.'s report is not filed today.

Two bail petitions are filed on behalf of both the accused persons in custody today which is now taken up for hearing and order.

Ld. Advocate on behalf of the respective accused persons moved the respective petitions and submitted that their respective accused persons are innocent and have been falsely implicated in this case and that the alleged recovery of the contraband material from the possession of the accused persons was less than commercial quantity. They respectively prayed that the respective accused petitioners may be enlarged on bail under any terms and conditions.

Ld. P.P. in-charge for the State raised objection against the prayer for bail.

Heard both the sides. Perused the CD and record. Considered.

It appears from the perusal of the C.D. that alleged recovery of the contraband material from the possession of the accused persons is less than commercial quantity. Although the present case does not fall within the statutory limitations on grant of bail given u/s 37 of The NDPS Act as the quantity of the contraband recovered from the respective accused persons is less than commercial quantity, yet the alleged offence is non-bailable in nature. However, considering that the accused persons are in custody for a month and that there is no significant development in the investigation of this case, this court is of the opinion that the accused persons deserve to be released on bail. Hence their bail petitions is hereby considered and allowed on this day. Accused Sushil Sarkar and Jayanta @ Joydeb Roy may be enlarged on bail on furnishing bond of Rs. 10,000/- (ten thousand) with two sureties of Rs. 5000/- (five thousand) each, to the satisfaction of Ld. CJM., Cooch Behar. The accused persons shall not tamper with the evidence or intimidate/influence the witnesses in this case after release on bail. **Further, they shall meet the I.O. of this case once every fortnight for the purpose of giving their cooperation in the investigation of this case until further order.**

To 14.3.24 for production/appearance, if on bail and I.O.'s report.

Dictated & corrected by

Sd/-

Addl. Sessions Judge, 1st Court,
Cooch Behar (NDPS)

Sd/-

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