

Mathabhanga P.S. Case No. 459/21 dt. 16.8.21

Order No. 09

Dt. 11.5.23.

Today is fixed for production and copy supply.

Accused persons in custody namely Lalit and Ajay Barman are produced from J.C. today. Copies of prosecution documents are not ready today. Let the accused persons be remanded back to J.C. till the next date. Two separate bail petitions are filed on behalf of the respective accused persons.

Ld. Advocates on behalf of the respective accused persons move the bail petition and submit that the respective accused persons have been falsely implicated and are innocent. They also submitted that the quantity recovered from accused Ajay Barman is of intermediate quantity while nothing was recovered from the possession of the other accused Lalit Barman. 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

I have perused the record and materials in the C.D carefully. It appears from the perusal of the F.I.R. and the seizure list found in the record, that the quantity of drugs recovered from the possession of accused Ajay Barman is less than commercial quantity while no recovery from the possession of accused Lalit Barman is present. The investigation of this case has ended. From perusal of the materials in the C.D. this Court is of the opinion that the case of the accused petitioners is not hit by the statutory limitations of grant of bail as given in sec. 37 of the NDPS Act, 1985.

Considering the above facts and circumstances, the bail petitions of the respective accused petitioners is hereby considered and allowed on this day. Accused **Ajay Barman and Lalit Barman** may be enlarged on **interim** bail on each furnishing bond of Rs. 10,000/- (ten thousand) with two sureties of Rs. 5000/- (five thousand) each, **one of whom must be a local surety**, subject to the satisfaction of Ld. CJM., Cooch Behar **on condition that the petitioners shall not try to intimidate/influence any of the witnesses of this case and shall not commit offence on bail. Further, the accused persons must be present on each and every date fixed in this case.**

The interim bail shall continue and be valid till the next date i.e. on **30.5.2023 on** which date the petitioners must remain present before the court, if released on bail.

To 24.5.2023/30.5.23 for production /appearance, if on bail of the accused persons and copy supply.

Dictated & Corrected by,

Sd/-

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

Sd/-

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

Later dt. 11.5.23.

Registered surety **Ranjit Kr. Das E.C No 004089 & Local Surety Pratik Sarkar** furnished two bail bonds of Rs- 5,000/-(five thousand only) each in favour of accused **Ajay Barman**.

Local surety fixed deposit holder namely **pratik Sarkar**, S/O- Ajay Sarkar, Vill- Ichhamari, P.O- Hatiduba, P.S- Pundibari, Dist- Cooch Behar filed a fixed deposit Certificate of State Bank of India , **Cooch Behar Sagardighi square** Branch Vide Certificate Account No- 41909090330 of Rs- 5,000/- date of maturity 11-05-2028 along with affidavit, and Adhar card in favour of accused **Ajay Barman**.

The bonds are found fit and---accepted-----

Let the same be kept with the record.

Issue release order against the accused **Ajay Barman**.

To date **(24.5.2023/30.5.2023)** for appearance , Production and copy supply.

Sd/-

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

Sd/-

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