

04.09.2020
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AM
Allowed

C.R.M. 6298 of 2020 (via video conferencing)
with
CRAN 1 of 2020 (Old No. CRAN 4818 of 2020)

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Tapan Police Station Case No.179 of 2020 dated 10.06.2020 under Sections 21(c)/22(c)/23(c)/25/27(A) of the Narcotic Drugs and Psychotropic Substances Act (Special Case no.35 of 2020).

And

In Re : Dilip Debnath

.... petitioner

Mr. Kaushik Chaudhury, Adv.

....for the petitioner

Mr. Anwar Hossain, Adv.

Ms. Ratna Ghosh, Adv.

..... for the State

Petitioner undertakes to affirm and stamp the petition/application as per Rules within one month of resumption of normal functioning of the court. Subject to such undertaking, the application is taken up for hearing through video conferencing.

Accordingly, application being CRAN 1 of 2020 (Old No. CRAN 4818 of 2020 is disposed of.

It is submitted on behalf of the petitioner that the petitioner is in custody for 85 days and no narcotic substance was recovered from his possession.

Learned Counsel appearing for the State opposes the prayer for bail and submits that petitioner was dealing in narcotic substance above commercial quantity.

Having considered the materials on record and keeping in mind the extent of complicity of the petitioner in the alleged crime and in the light of the submission that no narcotic substance was recovered from the possession of the petitioner and his complicity has transpired from the statement of the co-accused before Police Officers, we are of the opinion that the petitioner has been able to rebut the statutory restrictions under Section 37 of the NDPS Act and as the period of detention suffered by him i.e. 85 days, we are inclined to grant bail to the petitioner.

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 appropriate Trial Court and petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

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

The application for bail is, accordingly, allowed.

Learned appropriate trial court as well as all concerned authorities shall act in terms of the copy of the order downloaded from the official website of this Court.

(Suvra Ghosh, J.)

(Joymalya Bagchi, J.)