

5 Court 8
sg 16-09-2020

C.R.M. 6429 of 2020
(Via Video Conference)

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)/27(A) of the N.D.P.S. Act.

Bharat Paswan @ Bharat Pasman
Versus
State of West Bengal

Ms. Jeenia Rudra, Adv.

...for the petitioner.

Mr. Anwar Hossain, Adv.
Ms. Ratna Ghosh, Adv.

...for the State.

The petitioner undertakes to affirm and stamp the petition/application as per the Rules within one month of resumption of normal functioning of the Court. The petition is taken up through video conference on the basis of such undertaking.

The learned Counsel appearing on behalf of the petitioner submits that the petitioner is in custody for 96 days and stands on the same footing as one Dilip Debnath who was granted bail by this Court on 4th September, 2020 in CRM 6298 of 2020. No contraband was seized from the present petitioner and he has been implicated in this case only on the basis of the statement of a co-accused which is inadmissible in evidence.

Learned Counsel appearing on behalf of the State opposes the prayer for bail.

Considering the fact that the only material against the petitioner is the statement of a co-accused which is inadmissible in evidence, we are of the view that he has been able to rebut the statutory restriction under Section 37 of the N.D.P.S. Act. Accordingly, we allow the application for bail.

Accordingly, we direct that the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand only) with two sureties of like amount each, one of whom shall be local, to the satisfaction of the learned appropriate trial court, on condition that the petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate 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 without further reference to this Court.

The application for bail is, thus, allowed.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Jay Sengupta, J.)

(Soumen Sen, J.)