

14.09.2020.
Item No. 19
(Allowed)

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(via Video Conference)

C.R.M. 6463 of 2020

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I.A. No. C.R.A.N. 1 of 2020

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Gangarampur P.S. Case No. 362 of 2017 dated 13.12.2017 under Sections 21/22/25/27A/29 of the Narcotic Drugs and Psychotropic Substances Act;

And

In the matter of : **Nilu Adhikary @ Bhondo**

... petitioner.

Mr. Kaushik Choudhury,

...For the petitioner.

Mr. Sanjoy Bardhan,

Mr. Palash Chandra Majhi.

...For the State.

The learned Advocate-on-Record of the petitioner undertakes to affirm and stamp the petition/application as per the Rules within forty-eight hours of resumption of the normal functioning of the Court. Subject to such undertaking and urgency the application is taken up for hearing through Video Conference.

Accordingly, the interlocutory application being IA No. CRAN 1 of 2020 is disposed of.

The learned Advocate for the petitioner submits that though 125 bottles of codeine phosphate were recovered in this case but the present petitioner has been involved only on the basis of the statement of the co-accused. He emphatically submits that there has been no recovery from the possession of the present petitioner.

The learned Advocate for the State opposes the prayer for bail and submits that the present petitioner was absconding for a considerable period of time and there was recovery from the five accused persons, however, he

concedes that there was no recovery from the possession of the present petitioner, as is reflected from the Memorandum of Evidence.

We have taken into account the Memorandum of Evidence so submitted by the learned Advocate for the State wherefrom it reveals that there was no recovery from the possession of the present petitioner. We are of the opinion that the petitioner has been able to overcome the rigor of Section 37 of the NDPS Act. Furthermore, the charge-sheet has been submitted in this case. Therefore, further detention of the petitioner is unwarranted.

Accordingly, the petitioner, namely, **Nilu Adhikary @ Bhondo**, shall be released on bail upon furnishing a Bond of Rs. 10,000/-, with two sureties of like amount, one of whom must be local, to the satisfaction of the learned Judge, Special Court under the NDPS Act, Dakshin Dinajpur, subject to the condition that the petitioner shall not leave the jurisdiction of the Gangarampur Police Station and shall meet with the Officer in-Charge of the said Police Station once in a week until further order.

The application being CRM 6463 of 2020 is **allowed**.

(Tirthankar Ghosh, J.)

(Harish Tandon, J.)