

24-09-2020
Subha
Item no.12
Bail allowed

IN THE HIGH COURT AT CALCUTTA
Criminal Miscellaneous Jurisdiction

C.R.M 6604 of 2020

Dipak Das @ Bhuttu

-vs-

The State of West Bengal

With

CRAN 1 of 2020

(Via video conference)

In Re: An application for bail under Section 439 Cr.P.C in connection with Tapan P.S. Case No. 179 of 2020 dated June 10, 2020 under sections 21(c)/22(c)/23 (c)/27A of the N.D.P.S Act(Special Case No.35/2020)

Mr. Kaushik Chaudhury ...for the petitioner.

Mr. Sukanya Bhattacharyya
Md. Kutubuddinfor the State.

The advocate-on-record for the petitioner undertakes to affirm and properly stamp the petition 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. Accordingly, CRAN No.1 of 2020 is disposed of.

The learned advocate appearing for the petitioner submits that the present petitioner is in custody for about 100 days and the similarly placed other co-accused persons have already been granted bail.

The learned advocate for the petitioner further adds that there was no recovery from the possession of the present petitioner and he has been falsely implicated in this case on the basis of the submission of the co-accused.

The learned advocate appearing for the State opposes the prayer for bail and draws the attention of this Court to the materials available in the case diary but the learned advocate for the State is unable to convince us regarding the contentions of the issues raised by the learned advocate for the petitioner and having regard to the fact

that there was no recovery from the possession of the present petitioner and he has been falsely implicated with the other co-accused.

We are of the opinion prima facie that the petitioner be released on bail.

Accordingly, the petitioner shall be enlarged on bail subject to the satisfaction of the learned Special Judge, NDPS Act. Dakshin Dinajpur at Balurghat upon furnishing a bond of Rs.10,000/- (Rs. Ten thousand only) with two sureties of like amount, one of whom shall be local and on condition that while on bail the petitioner shall not tamper with any evidence and/or intimidate the witnesses. The petitioner shall comply with the requirement as envisaged under subsection (3) of section 437 CrPC, and any breach of the same would empower the learned court below to cancel the bail without further reference to this court.

Accordingly, the application for bail, being CRM No. 6604 of 2020 is disposed of.

All concerned parties shall act in terms of the copy of the order downloaded from the official website of this Court.

[Tirthankar Ghosh, J]

[Sahidullah Munshi, J]

