

18.09.2020.

Item No. 7

(Allowed)

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(Via Video Conference)

C.R.M. 6727 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 filed in connection with Hili P.S. Case No. 169 of 2018 dated 30.12.2018 under Sections 21(c)/22(c)/23(c) of the Narcotic Drugs and Psychotropic Substances Act;

And

In the matter of : **Moksedul Fakir @ Mokchheddin Fakir.**

... petitioner.

Mr. Kaushik Choudhury.

...For the petitioner.

Mr. Arijit Ganguly,

Mr. Sanjit Kr. Dan.

...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 although there were recovery of 100 bottles of Phensedyl in the instant case but the same were not from the possession of the present petitioner. He further submits that the present petitioner has been implicated in the case on the basis of the statement of the co-accused.

Mr. Arijit Ganguly, learned Advocate for the State, opposes the prayer for bail and draws the attention of this Court to the seizure list.

We have perused the materials on record including the seizure list, which reflects that the seizures were effected from the possession of the other accused person.

Having considered the materials on record, we are of the opinion that the present petitioner has been able to overcome the rigors of Section 37 of the NDPS Act and, as such, we are inclined to release the petitioner on bail.

Accordingly, the petitioner, namely, **Moksedul Fakir @ Mokchheddin Fakir**, 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 appear before the trial court on each and every date of hearing and in case he fails to do so, without any sufficient cause, the trial court is at liberty to cancel his bail without further reference to this Court.

The application for bail being CRM 6727 of 2020 is **allowed**.

(Tirthankar Ghosh, J.)

(Harish Tandon, J.)