

23.09.2020

**CRM 7017 of 2020
(CRAN 1 of 2020)
(Via Video Conference)**

Court No.8

Item 4

sg

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with English Bazar Police Station Case No. 155 of 2020 dated 16.02.2020 under Sections 21(C)/29 of the NDPS Act.

Anikul Sk @ Anikul Islam @ Anarul Sk.
Versus
The State of West Bengal

Allowed

Mr. Sagar Saha, Adv.

...for the Petitioner.

Mr. Sanjoy Bardhan, Adv.
Mr. Palash Chandra Majhi, Adv.

...for the State.

The petitioner undertakes to affirm and stamp the petition/application as per the Rules within a month of resumption of normal functioning of the court. Subject to such undertaking, the application is taken up through video conference.

CRAN 1 of 2020 is accordingly, disposed of.

Learned Counsel appearing on behalf of the petitioner submits that the petitioner has been implicated only on the basis of a statement of a co-accused, which is inadmissible in evidence.

Learned Counsel appearing on behalf of the State has opposed the prayer for bail. However, he admits that the case diary would not show that he was a person from whom the contraband articles have been recovered.

In view of the fact that the only material available against the present petitioner is the statement of a co-accused, we are of the view that the petitioner has been able to rebut the restriction contained in Section 37 of the N.D.P.S. Act. Accordingly, we allow the prayer for bail.

The petitioner may be released on bail upon furnishing a bond of

Rs.10,000/- (Rupees Ten Thousand only) with two sureties of like amount, one of whom must be local to the satisfaction of the learned Judge, Special Court, under N.D.P.S. Act, Malda on condition that he shall appear before the trial court on every date of hearing and shall not intimidate witnesses or tamper with evidence in any manner whatsoever and shall not commit similar offence in future.

In the event the petitioner fails to appear before the trial court, 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 thus, allowed.

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

(Saugata Bhattacharyya, J.)

(Soumen Sen, J.)