

25.9.2020

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Ct-16

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**C.R.M. 7066 of 2020
with
CRAN 1 of 2020**

(Via Video Conference)

In re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with Purbastali P.S Case No. 392 of 2017 dated 30.9.2017 under Section 20 of the Narcotics Drugs and Psychotropic Substances Act.

And

In the matter of: Majoj Pal

...Petitioner.

Mr. Sujan Chatterjee ... For the Petitioner

Mr. Anowar Hossain

Ms. Ratna Ghosh ... For the State

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

The petitioner claims that this is another case where a person has been proceeded against merely on the uncorroborated statement of a person previously arrested for possession of drugs, without any independent material being shown by the State against the petitioner herein.

It is possible that several other persons may be involved in a transaction and may be named by the persons arrested upon drugs being found in their possession. However, the investigating agency has to establish some modicum of link or nexus of the named person to the transaction. Merely on the basis of a person having been named with no material against the named person may not prompt the court to allow the named person to remain in

detention indefinitely. The charge-sheet has been filed and the State cannot show any material other than the person initially arrested in the case of naming this petitioner as being involved in the transaction.

The petitioner will be enlarged on bail upon furnishing security of Rs.30,000/-, with two sureties of like amount, one of whom must be local, to the satisfaction of the appropriate Court in Purba Burdwan. The petitioner will also attend every date fixed for trial and any unexplained absence will entitle the trial Court to cancel the bail without reference to this Court.

CRM 7066 of 2020 along with interim application therein are disposed of.

(Sanjib Banerjee, J.)

(Aniruddha Roy, J.)