01.10.2020
SL No.9
AP

CRM 7072 of 2020
With
CRAN 1 of 2020
(Through Video Conference)

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Jalangi** P.S. Case No.**304/2020** dated **18.07.2020** under Sections **20(b)(ii)(c)/29** of the NDPS Act.

And

In the matter of: **Nijamul Hossain @ Tonik**

....Petitioner.

Mr. Somnath Adhikary

...for the Petitioner.

Mr. S.S. Imam,
Mr. Subrato Roy

...for the State.

Petitioner undertakes to affirm and stamp the petition/application as per Rules within one month of resumption of normal functioning of the Court. Subject to such undertaking, the application is taken up for hearing through video conference.

Accordingly, the application being CRAN 1 of 2020 is disposed of.

Having considered the materials on record and bearing in mind the extent of complicity of the petitioner in the alleged crime in the light of the submission that no narcotic substance was recovered from his possession and as his complicity in the alleged offence has transpired from the statement of co-accused before a police officer which is inadmissible in evidence, we are of the opinion that petitioner has been able to rebut the statutory restrictions under section 37 of the NDPS Act. Under such circumstances, we are inclined to grant bail to the petitioner.

Let the petitioner be released on bail upon furnishing a Bond of Rs.10,000/-(Rupees Ten Thousand Only), with two sureties of like amount each, one of whom must be local, to the satisfaction of the Learned Judge, Special Court under NDPS Act, Berhampore,

Murshidabad subject to the condition that during bail the petitioner shall appear before the learned trial court regularly till disposal of the trial and the petitioner shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to comply with the conditions as enshrined hereinbefore, it is open to the trial court to cancel the bail without any further reference to this Court.

The application for bail is, thus, allowed.

The parties shall act in terms of the copy of the order downloaded from the official website of this court.

(Shampa Sarkar, J.) **(Joymalya Bagchi, J.)**