

16-10-2020
k.b/b.r.
Item no.13
Bail allowed

IN THE HIGH COURT AT CALCUTTA
Criminal Miscellaneous Jurisdiction

C.R.M 7309 of 2020
Alamgir @ Suman Mondal & Anr.
-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 Balurghat P.S. Case No. 211 of 2020 dated June 25, 2020 under Sections 21(C)/22(C)/27A/27B/29 of the NDPS Act (corresponding Special Case 38 of 2020).

Mr. Kaushik Choudhury ...for the petitioners.

Mr. Ranabir Roy Chowdhury
Mr. Mainak Gupta ... for the State.

The advocate-on-record for the petitioners undertake 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.

It is submitted by the learned advocate for the petitioners that they have been firstly implicated in this case on the basis of co-accused statement, made before the Police Officer, which is inadmissible in evidence.

Learned advocate representing this State opposes the prayer for bail.

Having considered the materials already collected in the case record and bearing in the mind the implication of the accused on the

basis of co-accused statement made before the Police Officer, we are of opinion that the same is sufficient to rebut the rigor available under Section 37(2) of the NDPS Act.

Accordingly, we are inclined to grant bail to the petitioners subject to the satisfaction of the learned Chief Judicial Magistrate, Dakshin Dinajpur at Balurghat upon furnishing a bond of Rs.20,000/- (Rs. Twenty thousand only) with two sureties each of like amount, one of whom must be local and, on condition that the petitioner shall not tamper with the evidence and/or intimidate the witness in any manner whatsoever and further that he shall ensure his attendance on each day of hearing before Trial Court.

Accordingly, the application for bail, being CRM No. 7309 of 2020 stands disposed of.

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

Urgent xerox certified copy of this order, if applied for, be supplied to the parties on usual undertaking.

[Subhasis Dasgupta, J.]

[Subrata Talukdar, J.]

