

DL. October 1,
9. 2020

C.R.M. 7348 of 2020
With
C.R.A.N. 1 of 2020

(Via Video Conference)

In the matter of : An application for bail under Section 439 of the Code of Criminal Procedure in connection with Baishnabnagar Police Station Case No. 572 of 2019 dated November 2, 2019 under Sections 21(c)/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985;

And

In the matter of : Majibar Sk @ Moju Sk & anr. ...petitioners.

Versus

State of West Bengal ...opposite party.

Mr. Milan Mukherjee,
Ms. Sreyashee Biswas,
Mr. Snehasish Pal,
...for the petitioners.

Mr. Saibal Bapuli,
Ms. Sayanti Santra,
...for the State.

The petitioners undertake 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 petitioners claim that the petitioners have been needlessly roped in though no contraband was seized from the possession of the petitioners.

The State produces the case diary including the seizure list of November 2, 2019. The place of seizure is indicated to be the house of Sabiul Sk whose father is Majibar Sk, being the first petitioner herein. The seizure is shown

to have been made from Sabiul Sk and from Farida Bibi. Admittedly, both of them are children of the first petitioner herein.

It thus appears that the seizure was made from a place which is alleged to be the residence of the family and from persons who are children of the first petitioner herein.

In the light of such material, the second petitioner is entitled to bail. However, the prayer of the first petitioner is declined.

The second petitioner will be enlarged on bail upon furnishing security of Rs. 10,000/-, with two sureties of like amount, one of whom must be local, to the satisfaction of the appropriate Court in Malda. The second petitioner will, however, be required to attend every date fixed for trial and any unexplained absence will entitle the trial court to cancel his bail without reference to this court.

CRM 7348 of 2020 and the interim application therein are disposed of.

(Sanjib Banerjee, J.)

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(Aniruddha Roy, J.)