

18.11.2020
2 DL
Sws M/G.S.Das
Ct. No.11

CRM 7650 of 2020

(Via Video Conference)

In Re : An application for bail under Section 439 of the Code of Criminal Procedure in connection with Kumarganj Police Station Case No. 81 of 2020 dated 28.05.2020 under Section 21(C)/22(C)/23(C)/27A of the Narcotic Drugs and Psychotropic Substances Act (Special Case No. 33 of 2020).

And

In the matter of : **Sabir Ali Sarkar**

..... Petitioner

Mr. Kaushik Choudhury

.... for the Petitioner

Mr. Sanjay Bardhan
Mr. Palash Ch. Majhi

...for the State.

The petitioner undertakes to affirm and stamp the petition as per the Rules within 48 hours of resumption of normal functioning of the court. The petition is taken up through video conference on the basis of such undertaking.

Learned Advocate for the petitioner submits that the petitioner is in custody for 126 days and he has been implicated/arrested in the case pursuant to the statement of co-accused.

Learned Advocate for the State submits that the Memo of Evidence reflects that the petitioner fled away from the spot and subsequently the other accused persons who were arrested named the present petitioner.

We have taken into account the Memo of Evidence which do not reflect the name of the present petitioner appearing in the Column “Name of FIR Named Accused” and on consideration of the further report of the Investigating Officer we find that the present petitioner was arrested pursuant to the statement of a co-accused.

Having regard to the materials appearing against the present petitioner, we are of the opinion that prima facie the petitioner has been able to make out a case to overcome the rigor of Section 37 of the NDPS Act and, as such, is entitled to be released on bail. Accordingly the prayer for bail is **allowed**.

Accordingly, we direct, that the petitioner shall be released on bail upon furnishing bond of Rs.10,000/- (rupees ten thousand only) with like amount each one of whom must be local to the satisfaction of the Learned Special Judge under NDPS Act, Dakshin Dinajpur at Balurghat on condition that the petitioner shall not tamper with the evidence or intimidate the witnesses.

With these observations, CRM 7650 of 2020 is disposed of.

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

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

(Tirthankar Ghosh, J.)

(Subrata Talukdar, J.)

