

15.10.2020
SL No.18
Court No.12
(gc/suman)
(Allowed)

CRM 7835 of 2020

(Through Video Conference)

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with **N.D.P.S.** Case no.212 of 2019 corresponding to Suti P.S. Case No.**576/2019** dated **15.11.2019** under Section **21(c)/29** of the N.D.P.S. Act.

And

In the matter of: **Saheb Sk.**

....Petitioners.

Mr. Anisur Rahaman

...for the Petitioners.

Mr. Saibal Basuli, Ld. A.P.P.,

Mr. Arani Bhattacharyya

...for the State.

The learned Counsel for the petitioners submits that the petitioners have been falsely implicated in the instant case.

The learned Counsel for the State, however, opposes the prayer for bail.

Having considered the materials on record and the fact that the petitioners were arrested on the basis of the statement made by the co-accused and no narcotic substance has been recovered from the petitioners, we are inclined to grant bail to the petitioners.

Accordingly, we direct that the petitioners shall be released on bail upon furnishing a bond of Rs. 10,000/- each, with two sureties of like amount each, one of whom must be local, to the satisfaction of the Learned Judge, Special Court under N.D.P.S. Act, Murshidabad on condition that the petitioners shall stay outside the jurisdiction of concerned Police Station and shall not enter the said jurisdiction except for meeting the Investigating Officer or attending the court proceeding and shall meet the

Investigating Officer once a week and with a further condition to comply with the provision of Section 437(3) of the Code of Criminal Procedure and shall appear before the learned trial court on all future dates of trial.

In the event the petitioners fail 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 police authorities immediately collect the FSL report and file before the trial court immediately unless the same has already been filed by the prosecution.

Since the charges have already been framed and the statute requires that the trial has to be completed within one year, we direct the Trial Court to conclude the proceeding as expeditiously as possible preferably within a period of one year from the date of communication of this order by either of the parties without granting any unnecessary adjournment to either of the parties.

In addition to the aforesaid, the petitioners shall hand over the passport, if any, within two weeks from date to the Investigating Officer. In the event, the petitioners do not have passport, the petitioners shall personally appear before the Investigating Officer and furnish affidavit to that effect within the time framed mentioned hereinabove.

Accordingly, the application for bail being CRM 7835 of 2020 is allowed and disposed of.

All parties are to act on a website copy of this order on the usual undertaking.

(Aniruddha Roy, J.)

(Soumen Sen, J.)