

16.10.2020
S. List no.7
Bpg & srm.
Allowed.

**CRM 7878 of 2020
(Via 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.321 of 2018, arising out of Jalangi Police Station Case no.847 of 2018 dated 21.12.2018 under Section 21(c)/29 of N.D.P.S. Act.

And

In the matter of: **Sentu Sk**

...Petitioner.

Mr. Somnath Adhikary

...for the Petitioner.

Mr. Sudip Ghosh,
Mr. Bitasok Banerjee

...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.

The learned advocate for the petitioner submits that the petitioner has been falsely implicated in connection with the instant case solely on the basis of the statement of the co-accused. It is further submitted that no recovery was made from the possession of the petitioner and, therefore, he is unnecessarily languishing in jail for more than 30 days.

The learned advocate appearing for the State opposes the prayer for bail. He submits that several persons fled from the spot when the raid was conducted and subsequently they were apprehended. It is further submitted that the petitioner was avoiding the arrest for a petty long time and surrendered on 9th September, 2020 that too after the submission/filing of the charge-sheet.

In order to counter the aforesaid submission, the learned advocate for the petitioner submits that two of the co-accused, namely, Munsar @ Mansur Mondal and Sikdar Mondal have been granted bail earlier and, therefore, the petitioner standing on the same footing should also be released on bail.

We have perused the memo of evidence relied upon by the learned advocate for the State. The particulars of the FIR named accused persons shown their arrest with the finding of the last column appears to be similar and identical to the findings/remarks made against the aforesaid two persons who have already been enlarged on bail. So, we find that the petitioner stands on the same footing that of the aforesaid other two co-accused and if they are already enlarged on bail, we do not find any justification in denying the prayer for bail of the petitioner, simply because he could not be arrested for a petty long time, does not entitle him to get the benefit of the bail on the ground of parity. The prayer for bail is allowed.

The petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees ten thousand) only with two sureties of like amount subject to the satisfaction of the Special Court, Murshidabad, on condition that he will attend the case on each day and default on any solitary occasion, will disentitle him to avail the liberty of bail and it will be open to the Special Judge to cancel the bail without further reference to this Court.

CRM 7878 of 2020 is disposed of.

(Harish Tandon, J.)

(Shampa Sarkar, J.)