

16.10.2020  
Item no. 22  
Ct.11  
**FB/G. S. Das**

**C.R.M. No.7895 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. 185/2020, arising out of Berhampore Police Station Case No. 798 of 2020 dated 07.08.2020 under Sections 21(c)/29 of the Narcotic Drugs and Psychotropic Substances Act.

And

In the matter of:-

Azirul Islam Alias Azirul Mondal Alias Azijul Islam Mondal  
... Petitioner

Mr. M. Chatterjee  
Mr. T. Gupta

.. for the petitioner

Mr. Swapan Banerjee  
Ms. Purnima Ghosh

..for the State

The petitioner undertakes to affirm and stamp the petition/application as per Rules within one month of resumption of normal functioning of the Court. Subject to such undertaking, the application is taken up for hearing through video conference.

It is submitted by the Learned Advocate for the petitioner that the petitioner has been falsely implicated in this case on the basis of the statement of a co-accused made before the police officer which is inadmissible in evidence.

It is further submitted that there is no recovery from the present petitioner.

Learned Advocate, Mr. Banerjee, representing the State opposes the prayer for bail.

Having considered the materials already collected in the case record and bearing in mind the submission raised in context with the allegations together with the fact that the petitioner has been implicated in this case on the basis of statement made by a co-accused to a police officer, which is inadmissible in evidence, we are persuaded to grant bail to the petitioner, irrespective of rigor contained in Section 37(2) of N.D.P.S. Act.

The prayer for bail is allowed.

Accordingly, we direct, the petitioner be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand only) with two sureties of like amount each, one of whom must be local to the satisfaction of the learned judge, Special Court, NDPS Act, Berhampore, Murshidabad subject to the condition that the petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses and/or tamper with evidence in any manner whatsoever and of further condition that the petitioner, while on bail, shall meet the Officer-in-Charge of concerned Police Station once in a fortnight.

CRM 7895 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 certified photostat copy of this order, if applied for, be supplied to the parties, subject to convenience with all requisite formalities.

**(Subhasis Dasgupta, J.)**

**(Subrata Talukdar, J.)**