

18.11.2020
Item No.14
Ct.No.11
dc.
Allowed

C.R.M. 7947 of 2020
(Through Video Conference)

In Re : An Application for bail under Section 439 of the Code of Criminal Procedure in connection with Balurghat P.S. Case No. 355 of 2018 dated 25.10.2018 under Sections 21(c)/22(c)/23(c)/25/27A/28/29 of Narcotic Drugs and Psychotropic Substances Act (Special Case No. 53 of 2018).

And

In the matter of : Raju Pal @ Raju Paul @ Surkali
... Petitioner.

Mr. Kaushik Choudhury ... For the Petitioner.

Mr. Sanjay Bardhan,
Mr. Palash Ch. Maji ... For the State.

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

The learned advocate for the petitioner submits that the petitioner is in custody for about 253 days and he has been implicated in this case only on the basis of statement of co-accused and there has been no recovery from the possession of the present petitioner. The learned advocate further draws the attention of this Court to the order passed in CRM 6696 of 2020 in respect of a similarly placed accused in this case which was passed by a co-ordinate Bench of this Court on 18.09.2020.

Mr. Bardhan, learned advocate appearing for the State produces the memo of evidence and submits that although the present petitioner was implicated on the basis of statement of co-accused, but his conduct is not very encouraging as he was absconding for a considerable period to time.

We have considered the materials on record and on appreciation of the same, we find the petitioner has been able to overcome the rigors of Section 37 of the N.D.P.S. Act. As such, he is entitled to be released on bail.

The petitioner will be enlarged on bail on furnishing security of Rs.20,000/- with two sureties of like amount, one of whom must be local, to the satisfaction of the appropriate Court in Dakshin Dinajpur.

The petitioner will attend every date fixed for trial and any unexplained absence will entitle the trial court to cancel his bail without reference to this Court.

If the petitioner is released on bail, he shall not leave the jurisdiction of Balurghat Police Station without the leave of the Court and shall meet with the Investigating Officer of the case once in a week until further orders.

The application being CRM 7947 of 2020 is disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance with the necessary formalities.

(Tirthankar Ghosh, J.)

(Subrata Talukdar, J.)