

20.10.2020
tkm/ct 3
sl no. 31

C.R.M. 8179 of 2020

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Bizpur P.S Case no. 29 of 2020 dated 17.1.2020 under sections 21(c)/ 29 of the NDPS Act
And

Allowed

In Re : Sumit Chakraborty & Anr. petitioners

Mr. S Purkayastha
Mr. H Rahaman

..... for the petitioners

Mr. Ranabir Roy Chowdhury
Mr. M Gupta

..... for the State

Having considered the materials on record and bearing in mind the extent of complicity of the petitioners in the alleged crime in the light of the submission that no narcotic substances was recovered from their possession and as their complicity had arisen from the statement of co-accused before a police officer which is inadmissible in evidence, we are of the opinion that petitioners have been able to rebut the statutory restrictions under section 37 of the NDPS Act.

Under such circumstances and in view of the period of detention suffered by the petitioners, we are inclined to grant bail to the petitioners.

Accordingly, the petitioners 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 NDPS Act, North 24 Parganas on condition that the petitioners shall appear before the trial court on every date of hearing and shall not intimidate witnesses or

tamper with evidence in any manner whatsoever and shall not commit similar offence in future.

In the event they fail to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel their bail automatically without reference to this court.

The application being CRM 8179 of 2020 is disposed of.

(Md. Nizamuddin, J.)

(Joymalya Bagchi, J.)