

CRM 8596 of 2020

(Via Video Conference)

In re: An application for bail under Section 439 of the Code of Criminal Procedure, 1908 in connection with Islampur Police Station Case No.440/2017 dated 09.11.2017 under Sections 21(c)/29 of NDPS Act.

And

In the matter of : Bhuttu Mondal

..... Petitioner

Mr. Arnab Chatterjee, Adv.

Mr. Amanul Islam, Adv.

Mr. Sourav Mukherjee, Adv.

.... For the Petitioner

Mr. Rana Mukherjee, Adv.

Ms. Sujata Das, Adv.

.... For 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 conferencing on the basis of such undertaking.

The petitioner says that though it is alleged that the petitioner was absconding for nearly two years, the fact is that no contraband was recovered from the petitioner's possession and he was merely named by a person who was arrested with commercial quantity of contraband.

The petitioner has been in custody for more than six months.

The State produces the case records and it does not appear that there is any independent material against the petitioner. The State merely relies on the statement of the person originally arrested and says that the petitioner fled the place of seizure upon getting hint

of the raiding party. However, there is no recording of any independent witness to such effect.

Considering the tenuous connection of the petitioner with the transaction, he is entitled to bail; but in view of his conduct of not surrendering for a considerable period certain conditions need to be imposed. The petitioner will not leave the State without the previous leave of the trial Court. The petitioner will also not change his place of residence without informing both the trial Court and the officer-in-charge of the police station within whose jurisdiction the petitioner now resides.

Accordingly, in the event of arrest, the petitioner will be enlarged on bail upon furnishing bond of Rs.50,000/- (Rupees Fifty Thousand only) with two sureties of like amount each, one of whom must be local, to the satisfaction of the appropriate Court in Murshidabad. The petitioner must also attend every date fixed for trial and any unexplained absence will entitle the trial Court to cancel the bail without any further reference to this Court.

CRM 8596 of 2020 is disposed of.

Authenticated website copies of this order be immediately made available to the parties, subject to compliance with all requisite formalities.

(Aniruddha Roy, J.)

(Sanjib Banerjee, J.)

