

02.12.2020

gd

CRM 8633 of 2020
(Via Video Conference)

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with Sagarpara P.S. Case No.72 of 2020 dated 02.09.2020 under Sections 186/188/34 of the Indian Penal Code and Sections 21/22/23 of the Narcotic Drugs and Psychotropic Substances Act.

And

In the matter of: **Ruseed Shekh @ Rashid Sk @**
Rused Sk @ Rasid Sekh.

....Petitioner.

Mr. Somnath Adhikary

...for the Petitioner.

Mr. Sanjoy Bardhan

Mr. Palash Chandra Majhi

...for the State.

The petitioner undertakes to affirm and stamp the petition as per the Rules within one week of resumption of normal functioning of the court. The petition is taken up through video conference on the basis of such undertaking.

The petitioner claims that despite no contraband being recovered from the petitioner, the investigating agency has detained the petitioner merely on the statement of a person arrested earlier with commercial quantity of contraband in his possession.

The State produces the case diary. The State says that several persons apparently fled from the spot when the raiding party descended thereat. However, there is no record of any independent witness confirming such position or of any independent witness corroborating that the person arrested immediately named this petitioner having fled away from the spot.

Since no contraband was recovered from this petitioner and the State has no material against this petitioner other than the

unsubstantiated statement by a person arrested with commercial quantity of contraband, the petitioner is entitled to bail.

The petitioner will be enlarged on bail upon furnishing security of Rs.10,000/- (Rupees Ten Thousand only) with two sureties of equal amount each, one of whom must be local, to the satisfaction of the appropriate court in Murshidabad.

The petitioner must report to the investigating officer as and when called and, if charges are pressed against the petitioner, the petitioner must attend every date fixed for trial and any unexplained absence will entitle the trial court to cancel the bail without reference to this court.

CRM 8633 of 2020 is disposed of.

(Sanjib Banerjee, J.)

(Aniruddha Roy, J.)