

19.11.2020

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CRM 8662 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.60 of 2020 dated 27.06.2020 under Sections 21/22/23 of the NDPS Act.

And

In the matter of: Bakkar Seikh @ Sk @ Bakkar Shaiekh

....Petitioner.

Mr. Somnath Adhikary

...for the Petitioner.

Mr. Sudip Ghosh

Mr. Bitasok Banerjee

...for the State.

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

It is submitted on behalf of the petitioner that no narcotic substance was recovered from his possession.

Learned lawyer for the State opposes the prayer for bail and submits identity of the petitioner had transpired from a recent source of the petitioner.

Having considered the materials on record and keeping in mind the extent of complicity of the petitioner in the alleged crime and as no narcotic substance was recovered from his possession and as the complicity of the petitioner is based on evidence which requires to be assessed with regard to its legality and admissibility during trial, we are of the opinion that petitioner has been able to rebut the statutory

restrictions under Section 37 of the NDPS Act and he may be granted bail.

Accordingly we direct that the petitioner shall 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 under NDPS, Berhampore, Murshidabad subject to condition that the petitioners shall appear before the trial court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

In the event the petitioner fail to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

The application for bail is, accordingly, allowed.

The parties shall act in terms of the copy of the order downloaded from the official website of this Court.

(Suvra Ghosh, J.)

(Joymalya Bagchi, J.)