

19.11.2020
SL No.10
AP

**CRM 8665 of 2020
(Through Video Conference)**

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Jalangi** P.S. Case No.**790/2019** dated **20.11.2019** under Sections **21(C)/29** of the NDPS Act.

And

In the matter of: **Askan Sk @ Askan Shekh @ Md Achkan Sk**

....Petitioner.

Mr. Somnath Adhikary

...for the Petitioner.

Mr. Gourav Das

...for the Intervener.

Mr. Saibal Bapuli, Ld. A.P.P.,
Mr. Arani Bhattacharyya

...for the State.

It is submitted on behalf of the petitioner that no narcotic substance was seized from the possession of the petitioner and he is in custody for about 63 days.

Learned lawyer for the State opposes the prayer for bail.

Having considered the materials on record and bearing in mind the extent of complicity of the petitioner in the alleged crime in the light of the submission that no narcotic substance was recovered from his possession and as his complicity in the alleged offence has transpired from the statement of co-accused before a police officer which is inadmissible in evidence, we are of the opinion that petitioner has been able to rebut the statutory restrictions under section 37 of the NDPS Act. Under such circumstances, we are inclined to grant bail to the petitioner.

Let the petitioner 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 Act, Berhampore, Murshidabad subject to the condition that during bail the petitioner

shall appear before the learned trial court regularly till disposal of the trial and the petitioner shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to comply with the conditions as enshrined hereinbefore, it is open to the trial court to cancel the bail without any further reference to this Court.

The application for bail is, thus, 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.)