

05-11-2020
Subrata/Subha
Item no.4
Bail allowed

IN THE HIGH COURT AT CALCUTTA
Criminal Miscellaneous Jurisdiction

C.R.M 8814 of 2020
Mintu Roy @ Mintu Sekh @ Minta
-vs-
The State of West Bengal
(Via video-conference)

In Re: An application for bail under Section 439 CrPC in connection with Kushmandi P.S. Case No.69 of 2020 dated August 17, 2020 under sections 21(c)/23(c) of the Narcotic Drugs and Psychotropic Substances Act.

Mr. Koushik Chowdhury
Ms. Bursa Khatoon ...for the petitioner

Mr. Sanjay Bardhan
Mr. Palash Chandra Maity ... for the State

The advocate-on-record for the petitioner undertakes to affirm and properly 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 learned advocate appearing for the petitioner submits that the petitioner is in custody for about 53 days, and that the investigating authorities after completion of investigation have already submitted charge-sheet. Learned advocate for the petitioner further submits that in view of the fact that the charge-sheet has already been submitted and that there has been no recovery from the possession of the petitioner, further detention of the petitioner is unwarranted.

Mr Bardhan, learned advocate appearing for the State, producing the case diary opposes the prayer for bail and submits that the petitioner has been absconding for a considerable period of time and that he has delayed the proceedings of the court below. However, he has not been able to show from the case diary that there was any recovery from the possession of the petitioner.

We have perused the materials on record, including the case diary and the seizure lists which were prepared in course of the investigation upon seizure from the different accused persons. In our

opinion, the petitioner has been able to rebut the presumption under section 37 of the NDPS Act.

On appreciation of the materials available before us, we are of the opinion that further detention of the petitioner is unwarranted.

Accordingly, 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 Special Judge, under the NDPS Act, Dakshin Dinajpur at Balurghat, subject to the condition that the petitioner shall not tamper with any evidence and/or intimidate the witnesses in any manner whatsoever.

The petitioner is further directed to meet with the officer in-charge of the Kushmandi police station once a fortnight until further orders, and that he shall not leave the jurisdiction of the Kushmandi police station without prior permission of the trial court.

In the event the petitioner fails to comply with the conditions stated above, the trial court shall be at liberty to cancel his bail in accordance with law without further reference to this court.

With the aforesaid observations, the application for bail, being CRM No. 8814 of 2020, is disposed of.

All concerned parties shall act in terms of the copy of the order downloaded from the official website of this court.

[Tirthankar Ghosh, J]

[Ashis Kumar Chakraborty, J]

