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24-11-2020

Court 12

C.R.M. 8979 of 2020

(Via Video Conference)

In Re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with Swarupnagar Police Station Case No. 362 of 2020 dated 01.08.2020 under Sections 21(C)/29 of the N.D.P.S. Act.

Kuddus Sardar & Anr.

Versus

State of West Bengal

Allowed

Mr. Satadru Lahiri, Adv.

...for the petitioners.

Mr. Sanjoy Bardhan, Adv.

Mr. Pasash Chadra Majhi, Adv.

...for the State.

The petitioners undertake to affirm and stamp the petition/application as per the Rules within 48 hours of resumption of normal functioning of the Court. The petition is taken up through videoconference on the basis of such undertaking.

The learned Counsel for the petitioners submits that the petitioners are in custody for more than 114 days and on the basis of the statement made by the co-accused, the petitioners were arrested.

Considering the materials on record and the nature and extent of complicity of the petitioners in the commission of the alleged offence and also having regard to the fact that no narcotic substance has been recovered from the petitioners and they were arrested on the basis of the statement of the co-accused which is inadmissible in evidence and also considering the fact that they are in custody for over 111 days and the charge-sheet has already been submitted, we are inclined to release the petitioners on bail.

Accordingly, the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand only) each, with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional District and Sessions Judge, 6th Court, Barasat, North 24 Parganas

subject to the condition that during bail, the petitioners shall meet the I.O. of this case once in a week and shall appear before the learned trial court on every date fixed for hearing till the disposal of the trial and the petitioners shall not intimidate witnesses or tamper with evidence in any manner whatsoever and also subject to the conditions as laid down under Section 437(3) of the Code of Criminal Procedure.

In the event the petitioners fail 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.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Saugata Bhattacharyya, J.)

(Soumen Sen, J.)