

25.11.2020
13
Sws M/G.S.Das
Ct. No.11

CRM 9164 of 2020

(Via Video Conference)

In Re : An application for bail under Section 439 of the Code of Criminal Procedure in connection NDPS Case No. 55 of 2020 arising out of Raninagar Police Station Case No. 126/2020 dated 25.2.2020 under Sections 21(c)/29 of NDPS Act, 1985.

And

In the matter of : **Mohit Sk @ Mahidul Islam @ Mohidul Islam @ Mohid Sk.**

..... Petitioner

Mr. Somnath Adhikary

.... for the Petitioner

Mr. Swapan Banerjee
Mr. Suman De

...for the State.

The petitioner undertakes to affirm and stamp the petition as per the Rules within 48 hours of resumption of normal functioning of the court. The petition is taken up through video conference on the basis of such undertaking.

Learned Advocate for the petitioner submits that the seizure in this case was effected from one Sandip Mondal and similarly placed accused persons who were implicated on the basis of statements of the co-accused and witnesses have been granted anticipatory bail in CRM 4036 of 2020 by a Co-ordinate Bench.

Learned Advocate for the State opposes the prayer for bail and submits that there are statements against the present petitioner.

However, there has been no seizure from the possession of the present petitioner.

We have taken into account the materials presented in the case dairy and also the order passed by a Co-ordinate bench in CRM 4036 of 2020 and having regard to the totality of the circumstances, we are of the opinion that that petitioner has been able to overcome the rigors of Section 37 of the NDPS Act and, as such, is entitled to be released on bail.

Accordingly the prayer for bail of the petitioner is **Allowed**.

Accordingly, we direct, that the petitioner shall be released on bail upon furnishing bond of Rs.10,000/- (rupees ten thousand only), with like amount each one of whom must be local to the satisfaction of the NDPS Act cum ADJ, 2nd Court, Berhampore, Murshidabad on condition that the petitioner shall not tamper with the evidence or intimidate the witnesses. If the petitioner is released on bail the petitioner shall meet with the I.O. of Raninagar P.S. once in a fortnight until further orders.

With these observations, CRM 9164 of 2020 is disposed of.

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

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

(Tirthankar Ghosh, J.)

(Subrata Talukdar, J.)