

04.12.2020

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CRM 9514 of 2020
(Via Video Conference)

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with Hogolberia P.S. Case No.62 of 2020 dated 21.05.2020 under Sections 21C/29 of the Narcotic Drugs and Psychotropic Substances Act and Section 14 of the Foreigners Act, 1946.

And

In the matter of: **Motibul Mondal @ Moti @ Motibol.**

....Petitioner.

Mr. Somnath Adhikary

...for the Petitioner.

Mr. Prasun Kumar Datta

Mr. Sanjoy Bardhan

Ms. Manisha Sharma

...for the State.

The petitioner undertakes to affirm and 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 petitioner claims that though no recovery has been made from the petitioner, he has been arrested on the allegation of a person who was earlier arrested with 100 bottles of codeine mixture in his possession.

The State says that it is on the basis of the person initially arrested that the investigating agency came to know that this petitioner had fled the spot when the raiding party descended on the scene. However, there is no independent corroboration of such allegation from any witness who ought to have been present at the spot.

Since the only tenuous material that the State can show against the petitioner is the uncorroborated statement of a person

arrested with contraband in his possession, the petitioner is entitled to bail.

The petitioner will be enlarged on bail upon furnishing security of Rs.10,000/- (Rupees Ten Thousand only) with two sureties of equal amount each, one of whom must be local, to the satisfaction of the appropriate court in Nadia.

The petitioner must attend every date fixed for trial and any unexplained absence will entitle the trial court to cancel the bail without reference to this court.

CRM 9514 of 2020 is disposed of.

(Sanjib Banerjee, J.)

(Aniruddha Roy, J.)