

04.12.2020

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Sws M
Ct. No.11

CRM 9865 of 2020

(Via Video Conference)

In Re : An application for bail under Section 439 of the Code of Criminal Procedure in connection with NDPS Case No. 217 of 2020 arising out of Raninagar Police Station Case No. 360/2020 dated 28.09.2020 under Sections 21(c)/29 of NDPS Act.

And

In the matter of : **Milan Sk @ Milon Sk.**

..... Petitioner

Mr. Tapodip Gupta

.... for the Petitioner

Mr. Madhusudan Sur
Mr. Dipankar Paramanick

...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 although 45 bottles of phensedyl was recovered in the case but the same was from the possession of another co-accused and the present petitioner has been implicated on the basis of the statement of the said co-accused, namely Sohel Sk.

Learned Advocate for the State produces the case diary and draws the attention of this Court to the seizure list and also to the

statement of the co-accused under Section 161 of the Code of Criminal Procedure.

We have perused the materials presented in the case dairy and having regard to the fact that the petitioner has been implicated simply on the admission of the co-accused, we are of the opinion that prima facie a case has been made out wherein the 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 Special Court, NDPS Act cum ADJ, 2nd Court, Berhampore, Murshidabad on condition that the petitioner shall not tamper with the evidence or intimidate the witnesses. While on bail, the petitioner shall meet with the Officer-in-Charge of Raninagar P.S. once in a month until further orders. Learned Trial Court would be at liberty to cancel the bail of the petitioner in case the petitioner do not participate in the trial regularly and the same can be done without further reference of this Court.

With the above observations, CRM 9865 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.)