

DI. December
4. 4, 2020

C.R.M. 9871 of 2020

In the matter of : An application for bail under Section 439 of the Code of Criminal Procedure in connection with Tapan Police Station Case No. 106 of 2020 dated April 12, 2020 under Sections 188/269/270 of the Indian Penal Code read with Sections 21(C)/22(C)/23(C)/27(A) of the Narcotic Drugs and Psychotropic Substances Act;

And

In the matter of : Sarikul Mahalat ...petitioner.

Versus

State of West Bengal ...opposite party.

Mr. Sayan De,
Mr. Kaustuv Shome,
...for the petitioner.

Mr. Sudip Ghosh,
Mr. Bitasok Banerjee,
...for the State.

We have heard the learned advocates appearing for the parties and perused the case diary.

The petitioner undertakes to affirm and stamp the petition/application as per Rules within forty eight (48) hours of resumption of normal functioning of the Court. Subject to such undertaking, the application for bail is taken up for hearing.

The learned advocate appearing on behalf of the petitioner submits that the petitioner is in custody since August 2020 and that he has been implicated in the instant case only on the basis of the statement of a co-accused. The learned advocate further submits that the petitioner is innocent of the charges and has been falsely implicated in the instant case. As such, further detention of the petitioner is unwarranted in the facts and circumstances of the case.

The learned advocate for the State opposes the prayer for bail and submits that it is the case of the prosecution that the petitioner fled away at the time the vehicle was intercepted and he has been implicated on the statement of the driver of the vehicle.

We do not find that any test identification parade has been conducted to identify the present petitioner and only the evidence available against the present petitioner is the statement of the driver of the vehicle. Having regard to the facts, which have been placed by the prosecution, and the materials on record, we are of the view that further detention of the petitioner is unwarranted in the facts and circumstances of the present case. As such, the prayer for bail is allowed.

As such, the petitioner, namely, **Sarikul Mahalat**, shall be released on bail to the satisfaction of the learned Judge, Special Court under the Narcotic Drugs & Psychotropic Substances Act No. III at Balurghat, Dakshin Dinajpur, upon execution of a bail bond of Rs. 10,000/- (Rupees ten thousand) only with two sureties of like amount - one of whom must be local, subject to the conditions that the petitioner shall neither tamper with the prosecution evidence nor commit any offence while on bail and on further condition that the petitioner shall attend the trial court on each and every date of hearing unless prevented by sufficient cause and in the event of his failure on any date, without justifiable cause, the trial court would be at liberty to cancel the bail granted to him without any further reference to this court.

The application for bail being C.R.M. 9871 of 2020 is disposed of.

dc/dns (Tirthankar Ghosh, J.)

(Subrata Talukdar, J.)

