

**07.12.2020**

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**b.das**

**CRM 9899 of 2020**

**(Via Video Conference)**

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with Raninagar P.S. Case No.126 of 2018 dated 12.03.2018 under Sections 21(c)/29 of the NDPS Act.

And

In the matter of: Alauddin Sk. @ Aluddin Sk. @ Alauddin Sekh  
.....Petitioner.

Mr. Niladri Sekhar Ghosh  
Mr. Tapodip Gupta  
Ms. S. Mukherjee

...for the Petitioner.

Mr. Sudip Ghosh  
Mr. Bitasok Banerjee

...for the State.

Having considered the materials on record and keeping in mind the extent of complicity of the petitioner in the alleged crime and as no narcotic substance was recovered from his possession and his complicity in the alleged crime had transpired from the statement of co-accused before a police officer, which is inadmissible in evidence, we are of the opinion that petitioner has been able to rebut the statutory restrictions under Section 37 of the NDPS Act and in view of the period of detention, that is, 167 days suffered by him, we are inclined to grant bail to the petitioner.

Accordingly we direct that the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only) with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned CJM, Berhampore, Murshidabad subject to condition that the petitioners shall appear before the trial court on every

date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

In the event the petitioner fail to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

The application for bail is, accordingly, allowed.

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

**(Suvra Ghosh, J.)**

**(Joymalya Bagchi, J.)**