

29 07.12.2020
rkd Ct. No.28
(Allowed)

C.R.M. 9946 of 2020
(Through Video Conference)

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Lalgola** P.S. Case No. **390 of 2012** dated **02/08/2012** under Sections **21(C)/29** of the NDPS Act.

And

In the matter of: Robiul Sk @ Rabiul

....petitioner.

Mr. A. Chatterjee

...for the petitioner.

Mr. S. Bardhan,
Ms. M. Sharma

...for the State.

Petitioner is in custody for 260 days and it is submitted that no narcotic substance was recovered from his possession. There is little possibility of the trial concluding in the near future. Similarly circumstanced co-accuseds are on bail.

Learned counsel appearing on behalf of the State opposes the prayer for bail and submits that petitioner had absconded for 8 years and was declared a proclaimed offender. Trial is in progress.

We have considered the materials on record. Although conduct of the petitioner is not commendable, the materials collected in the course of investigation and/or evidence on record do not show that the petitioner was in possession of the seized narcotic substance. In view of the extent of complicity of the petitioner in the alleged crime, we are of the opinion that petitioner has been able to rebut the statutory restrictions under Section 37 of the NDPS Act and he may be granted bail subject to strict conditions.

Accordingly, the petitioner is directed to be released on bail upon furnishing a Bond of Rs. 10,000/- with two sureties of like amount each, one of whom must be local, to the satisfaction of the Learned Judge, Special Court under NDPS Act, Berhampore, Murshidabad subject to the condition that during bail he shall appear before the learned trial court regularly and he shall not intimidate witnesses or tamper with evidence in any manner whatsoever and on further condition that he shall remain within the jurisdiction of Lalgola P.S. except for attending the court proceedings and shall provide the address where he shall presently reside to the investigating officer as well as the court below and shall report to the Officer-in-charge of concerned Police Station once in a week until further orders.

In the event the petitioner fails to comply with the conditions as enshrined hereinbefore, it is open to the trial court to cancel the bail without any further reference to this Court.

The application for bail is, thus, disposed of.

(Suvra Ghosh, J.)

(Joymalya Bagchi, J.)