

09.12.2020
tkm
sl no. 57

**C.R.M. 10108 of 2020
(via video conference)**

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Berhampore P.S. Case No. 1405 of 2018 dated 17.11.2018 under Sections 20(b)(ii)(c) of the NDPS Act

And

Allowed In Re : Murtuj Sk @ Murttujo Sekh @ Murtuja petitioner

Mr. A Rahaman

..... for the petitioner

Mr. Ranabir Roy Chowdhury

Mr. Sanldip Chakraborty

..... for the State

Having considered the materials on record and bearing in mind the extent of complicity of the petitioners in the alleged crime in the light of the submission that no narcotic substances was recovered from his possession and as his complicity had arisen 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.

Under such circumstances and in view of the period of detention suffered by the petitioner, we are inclined to grant bail to the petitioner.

Accordingly, the petitioner 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, Murshidabad on condition that the petitioners shall appear before the trial court on every date of hearing and shall not intimidate witnesses or tamper with

evidence in any manner whatsoever and shall not commit similar offence in future.

In the event he fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this court.

The application being CRM 10108 of 2020 is disposed of.

(Suvra Ghosh, J.)

(Joymalya Bagchi, J.)