

C.R.M. 10122 of 2020
(Through Video Conference)

In the matter of : An application for bail under section 439 of the Code of Criminal Procedure in connection with Berhampore P.S. Case No. 1001 of 2020 dated 06.10.2020 under sections 21(C)/29 of the Narcotic Drugs and Psychotropic Substances Act.

And

In the matter of : Taleb Sk & Anr.

Mr. Ali Ahsan Alamgir

... ... for the petitioners

Mr. Sudip Ghosh

Mr. Bitasok Banerjee

... ... for the State

Statements of witnesses do not disclose recovery of narcotic substance from the petitioners. In view of the extent of complicity of the petitioners in the alleged crime which has transpired from statement of co-accused before police officer which is inadmissible in evidence, we are of the opinion petitioners have been able to rebut the statutory restrictions under section 37 of the NDPS Act and they may be granted bail.

Accordingly, the petitioners shall be released on bail upon furnishing a bond of Rs. 10,000/- each 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 subject to the condition that the petitioners shall appear before the trial Court on every date of hearing

until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event the petitioners fail to do so without justifiable cause, the trial Court shall be at liberty to cancel their bail in accordance with law without further reference to this court.

The application for bail is, thus, 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.)