

C.R.M. 10144 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 Suti P.S. Case No. 247 of 2020 dated 06.06.2020 under sections 21(c)/29 of the Narcotic Drugs and Psychotropic Substances Act.

And

In the matter of : Fitu Mahalder @ Fitu Sk @ Fitu Mahaldar

Mr. Ali Ahsan Alamgir

... ... for the petitioner

Mr. Madhusudan Sur, APP

Mr. Manoranjan Mahata

... ... for the State

Petitioner is in custody for 186 days. It is submitted on behalf of the petitioner that no narcotic substance was recovered from the possession of the petitioner.

Learned lawyer for the State submits that petitioner has criminal antecedents and was implicated in the present case while in custody in another case.

Statements of witnesses do not disclose recovery of narcotic substance from the petitioner. In view of the extent of complicity of the petitioner 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 petitioner has been able to rebut the statutory restrictions under section 37 of the NDPS Act and he may be granted bail.

Accordingly, the petitioner shall 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 subject to the condition that the petitioner 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 petitioner fails to do so 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, 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.)