

14.12.2020
Sl. No.56
akd
[ALLOWED]

C. R. M. 10302 of 2020 [via video conferencing]

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 09.12.2020 in connection with Lalgola Police Station Case No. 706 of 2018 dated 26.10.2018 under Sections 21(c)/29 of the NDPS Act. (NDPS Case No.291 of 2018)

And

In Re: ***Ekbal Sk. @ Md. Ekbal Kabir @ Md. Iqbal Kabir***

... .. Petitioner

Mr. Robiul Islam .. Advocate

Mr. Arghya Chakraborti .. Advocate

Ms. Pramita Banerjee .. Advocate

... .. for the petitioner

Mr. Saryati Datta .. Advocate

... .. for the State

It is submitted on behalf of the petitioner that no narcotic substance was recovered from his possession and his complicity has transpired from the statement of co-accused before a police officer.

Learned advocate appearing for the State opposes the prayer for bail and submits that the petitioner had absconded for a period of time.

We have considered the materials on record. We find that no narcotic substance was recovered from the possession of the petitioner. Although conduct of the petitioner may not be commendable, in view of the extent of complicity of the petitioner as transpiring from the statement of co-accused before a police officer which is inadmissible in evidence, we are of the opinion that the petitioner has been able to rebut the statutory restrictions under Section 37 of the NDPS Act. Hence, we are inclined in granting bail to the petitioner.

Therefore, the accused/petitioner, namely ***Ekbal Sk. @ Md. Ekbal Kabir @ Md. Iqbal Kabir***, be released on bail upon furnishing 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 Judge, Special Court under the NDPS Act, 1985, Berhampore, Murshidabad subject to condition that the said 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 or commit similar offences 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 for bail, thus, stands **allowed**.

(Suvra Ghosh, J.)

(Joymalya Bagchi, J.)