

53 18.12.2020
rkd Ct. No.28
(Allowed)

C.R.M. 10534 of 2020
(Through Video Conference)

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Hili** P.S. Case No. **133 of 2019** dated **22/08/2019** under Sections **20(b)(ii)(c)** of the NDPS Act.

And

In the matter of: Sanatan Chouhan @ Chowhan

....petitioner.

Ms. B. Kjatun

...for the petitioner.

Mr. S. Bapuli,
Mr. S. Ganguli,
Mr. A. Bhattacharyya

...for the State.

Petitioner submits that no narcotic substance was recovered from his possession.

Learned counsel appearing on behalf of the State opposes the prayer for bail.

Having considered the materials in the case diary and bearing in mind the nature of allegations and in view of the fact that no narcotic substance was recovered from his possession and his complicity has transpired from the statement of co-accused person 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 and keeping in mind the period of detention suffered by the petitioner, we are inclined to grant bail to the petitioner.

Accordingly, the petitioner are 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, Dakshin Dinajpur subject to the condition that during bail he shall appear before the learned trial court regularly till disposal of the trial and he shall not intimidate witnesses or tamper with evidence in any manner whatsoever or commit similar offences in future.

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.)