

23.12.2020
48
Sdas
allowed

**CRM 10658 of 2020
(via video conference)**

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Baishnabnagar Police Station Case No. 204 of 2020 dated 30.04.2020 under Sections 21(c)/29 of the NDPS Act.

And

In Re : Rajjak Sk. @ Abdul Rajjak petitioner

Mr. Sekhar Kumar Basu, Sr. Adv.
Mr. Debangana Bhattacharjee
Ms. Swarnali Saha

.....for the petitioner

Mr. Rana Mukherjee
Mr. Suman Saha

..... for the State

No narcotic substance has been recovered from the possession of the petitioner.

Complicity of the petitioner has arisen from the statements of the co-accused before the police officer which is inadmissible in evidence. Hence, we are of the opinion that petitioner has been able to rebut the statutory restrictions under Section 37 of the NDPS Act and in view of the period of detention suffered by the petitioner i.e. six years, we are inclined to grant bail to the petitioner.

Accordingly we direct that 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, Malda, subject to condition that the petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate

the witnesses and/or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to appear before the trial court 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, accordingly, allowed.

(Suvra Ghosh, J.)

(Joymalya Bagchi, J.)