

06.01.2021

Item no.14

Ct.5

CHC

Allowed

C.R.M. No.42 of 2021

(Physical Hearing)

In Re:- An application for bail under section 439 of the Code of Criminal Procedure in connection with Memari Police Station Case No. 416 of 2020 dated 12.09.2020 under Sections 20 (b)(ii)(c)/29 (subsequently added) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

And

In the matter of:-

Sk. Jamsed @ Jishu

... Petitioner

Mr. Ramashis Mukherjee,
Mr. Rameshwar Sinha

.. for the petitioner

Mr. Sanjoy Bardhan,
Ms. Manisha Sharma

..for the State

This is to consider the prayer for bail.

Learned advocate for the petitioner, Mr. Mukherjee proposes for releasing the accused/petitioner on bail submitting that he has been falsely implicated in this case for alleged recovery of Ganja which is far less than the commercial quantity, and that to from the possession of the petitioner with another co-accused jointly.

Learned Additional Public Prosecutor, Mr. Bardhan candidly submits that the recovery is much less than the commercial quantity shown in the schedule of the N.D.P.S. Act. Petitioner is in custody for the last 46 days.

Having considered the materials already collected in the C.D. and the submissions of both sides and bearing in mind the extent of recovery, which is much less than the commercial quantity, we are of the considered view that harsh inflexibility contained in Section 37 of the N.D.P.S. Act would not come in our way, while making consideration of the prayer for bail. We are thus in favour of granting bail to the petitioner.

Accordingly, petitioner (Sk Jamsed @ Jishu), may find bail of Rs.20,000/- (Rupees Twenty Thousand only), with two sureties of like amount each, one of whom must be local to the satisfaction of the learned Special Judge, 3rd Special Court, Purba Burdwan with condition to cooperate with investigation and on further condition that the petitioner shall not tamper with the evidence or intimidate the witnesses in any manner whatsoever. This Court makes it clear that for any departure on the part of petitioner in making observance to the conditions of bail, the trial court shall be at liberty to go for cancellation of bail without making any reference to this Court.

C.D. be returned.

With these observations, **CRM 42 of 2021** stands **disposed of**.

All parties shall act in terms of copy of this order downloaded from the official website of this Court.

Urgent Xerox certified copy of this order, if applied for, be supplied to the parties, subject to compliance with all requisite formalities.

(Subhasis Dasgupta, J.)

(Subrata Talukdar, J.)