

12.01.2021
Item No.30
Ct.No.28
dc.
Allowed

C.R.M. 184 of 2021
(Via Video Conference)

In Re : An Application for bail under Section 439 of the Code of Criminal Procedure.

And

In the matter of : Billal Sardar ... Petitioner.

Mr. Angshuman Chakraborty,
Mr. S. S. Saha ... For the Petitioner.

Mr. Sanjoy Bardhan,
Mr. Palash Chandra Maji ... For the State.

The present application under Section 439 of the code of Criminal Procedure has been preferred by the petitioner in connection with N 97/20 arising out of Bongaon P.S. Case No. 348/20 dated 23.06.2020 under Sections 20(b)(ii)(B)/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

Mr. Chakraborty, learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated in the criminal proceedings. Upon completion of investigation, charge-sheet and supplementary charge-sheet have been filed and the petitioner is in custody for about 196 days. The alleged recovery of contraband substance is below commercial quantity and that a co-accused person has already been granted bail by this Court.

Mr. Bardhan, learned advocate appearing for the State opposes the prayer of the petitioner.

Upon considering the materials in the case diary, the nature of allegations and as a co-accused has already been granted bail, we are of the opinion that further detention of the petitioner is not necessary.

Accordingly, we direct that the petitioner shall be released on bail upon furnishing a 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, Barasat, North 24-Parganas subject to condition that the petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses and/or tamper with evidence in any manner whatsoever or commit similar offences in future.

In the event the petitioner fails to appear before the trial court without any justifiable cause, the trial court shall be at liberty to cancel the bail of the petitioner automatically without reference to this Court.

The application for bail being CRM 184 of 2021 is, accordingly, disposed of.

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)