

13.01.2021
Item no.14
Court No.28
Avijit Mitra

C.R.M. 198 of 2021 (via video conferencing)

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure;

And

In Re : Biswajit Saha alias Chottu

.... petitioner

Mr. Mrityunjoy Chatterjee,

Mr. Imdadul Hoque

....for the petitioner

Mr. Sanjay Bardhan,

Mr. Palash Chandra Majhi

..... for the State

The present application under Section 439 of the Code of Criminal Procedure has been preferred in connection with Gangarampur Police Station Case No. 145 of 2018 dated 09.06.2018 under Sections 21(C)/22 (C)/23(C)/25/27A/28/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

Mr. Chatterjee, learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated in the criminal proceedings. There had been no recovery of contraband substances from the petitioner and upon completion of investigation, charge sheet has already been filed and in such circumstances, further detention of the petitioner is not necessary.

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

Having heard the learned advocates and upon considering the materials in the case diary and as there had

been no recovery of contraband substances from the petitioner and since his name has transpired on the basis of the statement under Section 161 of a co-accused, which is inadmissible evidence, the rigours of the NDPS Act shall not apply towards grant of bail.

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 N.D.P.S. Act, Balurghat, Dakshin Dinajpur.

The application for bail being C.R.M. 198 of 2021 is, accordingly, allowed.

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)