

19.02.2021
Court No.28
rpan /25
(Via Video Conference)

C.R.M. 423 of 2021

In Re:- An application for bail under section 439 of the Code of Criminal Procedure filed in connection Tapan Police Station Case No.39 of 2020 dated 28.01.2020 under Sections 21(c)/22(c)/23(c)/27A of the Narcotic Drugs and Psychotropic Substances Act, 1985 [G.R. case no.109 of 2020 and Special case no.06 of 2020];

And

In Re : **Tarikul Mahalat @ Tariqul Mahalat @ Toriful**

...Petitioner.

Mr. Kaushik Chaudhury,
Mr. Sabyasachi Hazra,
Ms. Busra Khatun
....for the petitioner.

Mr. Sanjay Bardhan,
Mr. Palash Chandra Majhi
....for the State

The learned advocate appearing for the petitioner submits that the petitioner was shown arrested in connection with the instant case on or about 26th August, 2020 and since then he is in custody. Learned advocate further submits that the petitioner has been implicated on the basis of the statement of the co-accused and there has been no recovery from his possession.

Mr. Bardhan, learned advocate appearing for the State submits that the subject-matter of the case involves seizure of commercial quantity of contraband. Additionally, he submits that there was no recovery from the possession of the present petitioner and he has been implicated on the basis of the statement of a co-accused.

We have perused the materials in the case diary and we find that the investigation of the case has been concluded and the present petitioner has been implicated on the basis of the statement of the co-accused. Having regard to the aforesaid, we are of the opinion that the petitioner has, *prima facie*, been able to overcome the rigours of Section 37 of the NDPS Act and as such, the petitioner is entitled to be released on bail.

Accordingly, we direct that the petitioner, namely, **Tarikul Mahalat @ Tariqul Mahalat @ Toriful**, shall be released on bail upon furnishing a bond of ₹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 Dakshin Dinajpur at Balurghat. The petitioner shall meet with the Officer-in-Charge of the Tapan Police Station once a week after he is released on bail, until further orders of this Court.

The application for bail, being CRM 423 of 2021, is disposed of.

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)