

01.03.2021
Court No.28
Item No. 30
Krishnendu
Bail Granted

C.R.M.614 of 2021
(Via video Conference)

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

And

In Re : **Majibar Sk @ Moju Sk**

Petitioner

Mr. Milon Mukherjee, Sr. Adv.

Ms. Sreyashee Biswas

Ms. Benajir Hasna

For the Petitioner

Mr. Sanjoy Bardhan

Ms. Manisha Sharma

For the State

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Baishnabnagar Police Station Case No. 572 of 2019 dated 02.11.2019 under sections 21(c)/29 of the Narcotic Drugs and Psychotropic Substances Act (N.D.P.S. Case No. 25 of 2019).

Mr. Mukherjee, learned senior advocate appearing for the petitioner submits that the petitioner has been falsely implicated. Co-accused persons have already been enlarged on bail by a co-ordinate Bench of this Court. Upon completion of investigation, charge sheet has also been filed and as such further detention of the petitioner, who is in custody for about 251 days, is not necessary.

Mr. Bardhan, learned advocate appearing for the State opposes the petitioner's prayer for bail. However, he submits

that there had been no conversation of the petitioner over his mobile phone with the other co-accused persons.

We have perused the materials in the case diary including the seizure lists. *Prima facie*, it appears that no contraband substance was recovered from the petitioner's possession. Considering the period of detention and other attending circumstances, we are of the opinion that further detention of the petitioner is not warranted. As such, the petitioner's prayer for bail is allowed.

Accordingly, we direct that the petitioner, namely, **Majibar Sk @ Moju Sk** 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, Malda and on further condition that the petitioner shall meet with the Officer-in-Charge of Baishnabnagar Police Station once in a week on and from 8th March, 2021, until further orders.

With the aforesaid observations, the application for bail, being CRM No.614 of 2021, is disposed of.

(Tirthankar Ghosh, J)

(Tapabrata Chakraborty, J)