

23.03.2021
Item No.75
Ct.No.28
Subha
Allowed

C.R.M. 1023 of 2021
(Via Video Conference)

In Re: An application for bail under Section 439 Cr.P.C in connection with Balurghat Police Station Case No. 192 of 2019 dated 26th March, 2019 under Sections 21(c)/22(c)/23(c)/25/27(A)/28/29 of the Narcotic Drugs and Psychotropic Substances Act(Special Case No. 16 of 2019).

In the matter of : **Dipankar Das @ Dipenkar Das @ Dipa @ Dinpankar Das** ... Petitioner.

Mr. Koushik Chaudhury
Ms. Busra Khatun ... For the Petitioner.

Mr. Md. Anwar Hossain
Ms. Sreyashee Biswas ... For the State.

The present application under Section 439 of the code of Criminal Procedure has been preferred by the petitioner in connection with Balurghat Police Station Case No. 192 of 2019 dated 26th March, 2019 under Sections 21(c)/22(c)/23(c)/25/27(A)/28/29 of the Narcotic Drugs and Psychotropic Substances Act(Special Case No. 16 of 2019).

Mr. Chaudhury, learned advocate appearing for the petitioner submits that the petitioner has been arrested

in connection with the instant case on the basis of a statement of a co-accused and there was no recovery from the present petitioner.

He relies upon an order dated 5th November, 2020 passed in CRM 8812 of 2020 wherein similarly situated accused in the instant case has been granted the benefit of bail.

Mr. Hossain, learned advocate for the State opposes the prayer for bail, but however he is unable to satisfy as to whether any recovery has been effected from the present petitioner.

Learned advocate appearing for the State further submits that the present petitioner was shown arrested in connection with the instant case and he has been solely arrested in this case on the statement of a co-accused.

We have taken into account the materials on record in the case diary and we find that the petitioner is similarly placed as the other accused co-accused who has been granted bail passed in CRM 8812 of 2020 dated 5th November, 2020 passed by a co-ordinate Bench of this court and as such, prayer for bail of the present petitioner is allowed.

Therefore, the accused/petitioner namely, **Dipankar Das @ Dipenkar Das @ Dipa @ Dinpankar Das** 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 Special Judge, NDPS Act, Dakshin Dinajpur at Balurghat subject to condition that he shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

If the petitioner is released on bail, the petitioner, thereafter, shall meet with the Officer-in-Charge of Balurghat Police Station once a fortnight until further orders and shall not leave the jurisdiction of the Balurghat Police Station without any prior permission of the trial court.

The petitioner is further directed to attend the learned special court to each and every date and default on any solitary occasion without any justifiable cause, the special court is at liberty to cancel the bail of the petitioner without any further reference to this court.

With the aforesaid observations, the application for bail being CRM 1023 of 2021 is, accordingly, disposed of.

(Harish Tandon, J.)

(Tirthankar Ghosh, J.)