

09.04.2021
Item No.133
Ct.No.28
Subha
Allowed

C.R.M. 1486 of 2021
(Via Video Conference)

In Re: An application for bail under Section 439 Cr.P.C in connection with N.D.P.S Case No. 19/2020, arising out of Debra P. S. Case No. 244 of 2020 dated 09-06-2020 under Sections 20(b)(ii)(C) of the Narcotic Drugs and Psychotropic Substances Act.

In the matter of : **Piyarul Sk.** ... Petitioner.

Mr. Tapodip Gupta
... For the Petitioner.

Mr. B. Panda
Mr. S. Bhakat
... 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.D.P.S Case No. 19/2020, arising out of Debra P. S. Case No. 244 of 2020 dated 09-06-2020 under Sections 20(b)(ii)(C) of the Narcotic Drugs and Psychotropic Substances Act.

Learned counsel appearing on behalf of the petitioner submits that the petitioner is in custody for 111 days. The only material available against the petitioner is the statement of a co-accused, which is inadmissible in evidence. Nothing has been seized from the present petitioner.

Learned counsel appearing on behalf of the State opposes the prayer for bail. However, he admits that the only material available as of now against the present petitioner is the statement of a co-accused.

In view of the fact that the only material available against the present petitioner is the statement of the co-accused, we are of the view that the petitioner has been able to rebut the restrictions contained in Section 37 of the N. D. P. S Act.

Accordingly, we are inclined to allow the application for bail of the present petitioner.

Let the petitioner be released on bail upon furnishing a Bond of Rs.10,000/- with two sureties of like amount, one of whom must be local, to the satisfaction of the *Learned Judge Special Court, NDPS Act, Paschim Medinipur* subject to the condition that during bail the petitioner shall appear before the learned trial court regularly till disposal of the trial and the petitioner shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

The petitioner shall meet with the Officer-in-charge, Debra P. S., once a week on and from 16th April, 2021 until further orders.

The application for bail being CRM 1486 of 2021 is, thus, disposed of.

(Tirthankar Ghosh, J.)

(Soumen Sen, J.)

