

13.04.2021

CRM 1637 of 2021

Court No.28

(Via Video Conference)

Item 136

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with Balurghat Police Station Case No. 192 of 2019 dated 26.03.2019 under Sections 21(C)/22(C)/23(C)/25/27/28/29 of the NDPS Act.

sg

Sanjit Saha
Versus
The State of West Bengal

Allowed

Mr. Avishek Prasad, Adv.
Ms. Sreetama Neogi, Adv.

...for the Petitioner.

Mr. Sanjoy Bardhan, Adv.
Mr. Palash Chandra Majhi, Adv.

...for the State.

The learned Counsel for the State has produced the case diary and has fairly submitted that the petitioner is apprehended on the basis of the statement of the co-accused person.

We record that two co-accused persons standing on the same footing as that of the present petitioner, have been granted bail by the coordinate Benches. We also find from the case diary produced before us that the two co-accused persons namely, Sanjit Roy @ Jadu and Bapi Sarkar have been granted bail by the co-ordinate Benches in CRM 8812 of 2020 dated 5th November, 2020 and CRM 10315 of 2020 dated 14th December, 2020 respectively.

Having regard to the fact that the petitioner was arrested on the basis of the statement of a co-accused person which is inadmissible in evidence, and in view of the fact that the petitioner has been able to rebut the statutory restriction under Section 37 of the NDPS Act, we are of the view that the petitioner is entitled to bail.

Accordingly, we direct that the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/-(Rupees Ten Thousand only) with two sureties of like amount each, one of whom shall be local, to the satisfaction of the learned Judge, Special 3rd Court, Dakshin Dinajpur under the N.D.P.S. Act, subject to

condition that the petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to appear before the trial court without any justifiable cause, the trial court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

The prayer for bail of the petitioner is allowed.

CRM 1637 of 2021 is accordingly disposed of.

All parties shall act on the server copy of the order.

(Tirthankar Ghosh, J.)

(Soumen Sen, J.)