

27.05.2021
SL No.48
Court No.28
(GB)

**CRM 1846 of 2021
(Via Video Conference)**

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

And

In the matter of: **Sukumar Haldar @ Sujit Haldar.**

....Petitioner.

Mr. Busra Khatoon.

...for the Petitioner.

Mr. Rana Mukherjee,
Mr. Prakick Bose.

... for the State.

Apprehending arrest in connection with Tapan Police Station Case No. 209 of 2020 dated 05.07.2020 under sections 21(C)/22(C)/23(C)/27(A) of the Narcotic Drugs and Psychotropic Substances Act, the petitioner has filed the present application.

The learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated in the criminal proceedings and there has been no recovery of contraband substance from him. Upon completion of investigation, charge-sheet has already been filed and as such there is no necessity towards custodial detention. He further submits that co-accused persons similarly situated with the petitioner had already been granted anticipatory bail on January 14, 2021 by a coordinate Bench in CRM 146 of 2021.

Mr. Mukherjee, learned advocate appearing for the State does not dispute the fact that the co-accused persons similarly situated with the petitioner had been granted anticipatory bail.

In view thereof and as there had been no recovery of contraband substance from the petitioner and as his name has transpired on the basis of the 161 statement of co-accused, which is inadmissible in evidence, we are of the

opinion that the rigours of the NDPS shall not stand in the way towards allowing this application.

Accordingly, we direct that in the event of arrest the petitioner, namely, **Sukumar Haldar @ Sujit Haldar**, 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 Special Judge, under NDPS Act, Dakshin Dinajpur at Balurghat.

The application for bail, being CRM No. 1846 of 2021 is, thus, disposed of.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Tapabrata Chakraborty, J.)

(Shampa Sarkar, J.)