

01.06.2021
Court No.28
Item No. 16
Avijit Mitra

CRM 1903 of 2021 (Via video Conference)

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

And

In Re: **Kartick Singh @ Jaga**

Petitioner

Mr. Pravas Bhattacharya

For the Petitioner

Mr. Sanjoy Bardhan,
Ms. Manisha Sharma,
Mr. Nirupam Dhali

For the State

The present application has been filed in connection with Belda Police Station Case No. 26 of 2020 dated 22.01.2020 under sections 21(b) of the Narcotic Drugs and Psychotropic Substance Act, 1985.

Mr. Bhattacharya, learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated. There had been no recovery of contraband substance from the petitioner and his name has transpired on the basis of statement of co-accused persons as recorded under Section 161 of the Code, which is inadmissible in evidence. Upon completion of investigation charge sheet has also been filed and as such further detention of the petitioner, who is in custody since 7th December, 2020, is not necessary.

Mr. Bardhan, learned advocate appearing for the State opposes the petitioner's prayer. However, he has not been able to dispute the fact that there was no recovery of contraband substance from the petitioner.

Having heard the learned advocates appearing for the respective parties and considering the materials in the case diary and as there

was no recovery of contraband substance from the possession of the petitioner and since his name has transpired on the basis of the statement of a co-accused person before a police officer, which is inadmissible in evidence, we are of the opinion that provisions of section 37 of the N.D.P.S. Act are not attracted in this case.

Accordingly, we allow this application and direct that the petitioner namely, **Kartick Singh @ Jaga**, 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 Chief Judicial Magistrate, Paschim Medinipur.

The petitioner shall be present before the learned trial court on the dates specified for hearing.

In the event, the petitioner fails to comply with the aforesaid directions, without any justifiable cause, the learned trial court shall be at liberty to cancel the bail of the petitioner without any further reference to this Court.

Accordingly, the application for bail being CRM 1903 of 2021 is disposed of.

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

(Shampa Sarkar, J.)

(Tapabrata Chakraborty, J.)