

28.06.2021

(Via Video Conference)

Court No. 28
Item No. 51
Suvayan/sb

CRM 2799 of 2021

(bail - allowed)

In Re: An application for **Bail** under Section **439** of the Code of Criminal Procedure filed on 17.03.2021 in connection with Suti Police Station Case No. 117 of 2020 dated 02.03.2020 under Sections 21(C)/29 of the Narcotic Drugs Psychotropic Substances Act, 1985.

and

In the matter of: **Mainul Sk @ Pechan @ Bechan**

..... Petitioner

Mr. Md. Sarwar Jahan, Advocate

Mr. Tapodip Gupta, Advocate

.....for the Petitioner

Mr. Ranbir Roy Chowdhury, Advocate

Mr. Rudradipta Nandy, Advocate

Mr. Mainak Gupta, Advocate

..... for the State

Advocate-on-record of the petitioner undertakes to affirm and stamp the petition/application as per the Rules within four weeks from date. Subject to such undertaking the application is taken up for hearing.

The petitioner has filed the instant application for bail in connection with Suti Police Station Case No. 117 of 2020 dated 02.03.2020 under Sections 21(C)/29 of the Narcotic Drugs Psychotropic Substances Act, 1985.

The petitioner claims parity with the another co-accused namely Dikson Sk @ Nikson @ Diksen Sk who had already been enlarged on bail in CRM No. 8599 of 2020 on 25.11.2020.

It transpires in the course of hearing that the contraband was not recovered from exclusive possession of the petitioner and he has been implicated merely on the statement of the co-accused.

We do not find any justification in keeping the petitioner in custody. More so, when the charge-sheet has already been submitted, the petitioner should be released on bail.

As such, the prayer for bail is **allowed**.

Accordingly, the petitioner is 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 Additional District Judge, 5th Court at Berhampore, Murshidabad subject to condition that the said petitioner shall appear before the trial Court on every date of hearing until further order 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 justifiable cause, the trial Court shall be at liberty to cancel his bail automatically without any reference to this Court.

The application being **CRM 2799 of 2021** accordingly **disposed of**.

(Harish Tandon, J.)

(Subhasis Dasgupta, J.)