

CRM No.2997 of 2021
(Via video conference)

01.06.21

(S.R.)

Sl.22

Ct.28

In re: An application for bail under Section 439 of the Code of Criminal Procedure filed in connection with **Balurghat** Police Station Case **No.318 of 2019** dated **29.05.2019** under Sections **21(c)/22(c)/23(c)/25/27A/28/29** of the Narcotic Drugs and Psychotropic Substances Act (Corresponding Special Case **No.27 of 2019**);

And

In re: Samir Das

... petitioner.

Mr. Kaushik Choudhury

Ms. Busra Khatun

... for the petitioner.

Mr. Sanjay Bardhan

Mr. Binay Panda

Mrs. Puspita Saha

Mr. Nirupam Dhali

...for the State.

Mr. Choudhury, learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated. There has been no recovery of contraband substance from the possession of the petitioner and his name has transpired on the basis of the statement of a co-accused person. Upon completion of investigation charge sheet has also been filed and as such, further detention of the petitioner, who is in custody since 25th December, 2020, is not necessary.

Mr. Bardhan, learned advocate appearing for the State opposes the petitioner's prayer. He, however, could not dispute the fact that there had been no recovery of contraband substance from the possession of the petitioner.

Having heard the learned advocates and considering the materials in the case diary and as no contraband substance was recovered 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 the rigours of Section 37 of the NDPS Act are not attracted.

Accordingly, the petitioner, namely, **Samir Das**, 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 the NDPS Act, **Dakshin Dinajpur, Balurghat**.

The petitioner shall attend the learned trial court on all the dates as specified for hearing.

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

Accordingly, the application for bail being CRM No.2997 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.)