

06.07.2021

(Via Video Conference)

Court No. 28
Item No. 110
Suvayan/sb

CRM 3161 of 2021

(bail - allowed)

In Re: An application for **Bail** under Section **439** of the Code of Criminal Procedure filed on 06.04.2021 in connection with Gangarrmpur Police Station Case No. 291 of 2020 dated 22.08.2020 under Sections 21(C)/23(C)/27A/28/29 of Narcotic Drugs and Psychotropic Substances Act, 1985.

And

In the matter of: **Suman Sarkar & Anr.**

..... Petitioners

Mr. Amit Ranjan Pati, Advocate

.....for the Petitioners

Mr. Madhu Sudan Sur, Ld. APP

Mr. Manoranjan Mahata, Advocate

..... for the State

Advocate-on-record of the petitioners 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 petitioners have filed the instant application for bail in connection with Gangarrmpur Police Station Case No. 291 of 2020 dated 22.08.2020 under Sections 21(C)/23(C)/27A/28/29 of Narcotic Drugs and Psychotropic Substances Act, 1985.

Having considered the materials on record and keeping in mind the fact that no narcotic substance was recovered from the possession of the petitioners and as their complicity have transpired from the statement of co accused before a police officer which is inadmissible in evidence, we are of the opinion that the petitioners have been able to rebut the statutory restrictions under Section 37 of the NDPS Act. We are inclined to grant anticipatory bail to the petitioners.

Accordingly, the petitioners be released on bail upon furnishing bond of Rs. 10,000/- each, with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Judge, Special Court under NDPS Act, Dakshin Dinajpur on condition that the

petitioners shall appear before the trial court on every date of hearing and shall not intimidate witnesses or tamper with evidence in any manner whatsoever and shall not commit similar offence in future.

In the event, they fail to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel their bail automatically without reference to this Court.

This application is thus considered and **allowed**.

The application being **CRM 3161 of 2021** accordingly **disposed of**.

(Harish Tandon, J.)

(Subhasis Dasgupta, J.)