

18.08.2021

Court No.28
Item No.14

As/Akd
(Allowed)

CRM 3169 of 2021
(Via Video Conference)

In Re:- An application for bail under section 439 of the Code of Criminal Procedure filed in connection with Arambagh Police Station Case No. 107 of 2019, dated 17.03.2019 under Sections 20(b) (ii)(c)/29 of the N. D. P. S. Act.

And

In the matter of : **Trinath Bar.**

...Petitioner

Mr. Sekhar Kumar Basu, Sr. Adv.,
Mr. Abhijit Ganguly,
Ms. Pranidhi Singh.

...For the Petitioner.

Mr. Sanjoy Bardhan,
Mr. Saryati Datta.

...For the State.

The petitioners have filed the instant application for bail under Section 439 of the Code of Criminal Procedure after being arrested in connection with Arambagh Police Station Case No. 107 of 2019, dated 17.03.2019 under Sections 20(b) (ii)(c)/29 of the N. D. P. S. Act.

Indubitably the contraband was not recovered from the exclusive joint possession of the petitioner. The persons from whom the contraband was recovered are languishing in jail. The name of the petitioner has been disclosed by the co-accused before the police which is in admissible in evidence at this stage.

We thus find that the petitioner has been able to make out a case for taking exception to the provision of Section 37 of the N. D. P. S. Act.

The prayer for bail of the petitioner is thus allowed.

Accordingly, the petitioner shall be released on bail upon furnishing a bond of Rs.10,000 /- (Rupees Ten Thousand), with two court sureties of like amount each, one of whom must be local, to the satisfaction of the learned Judge, Special Court under the N. D. P. S. Act subject to the condition that the petitioner shall appear before the Trial Court on every date of hearing until further orders.

In the event the petitioner fails to do so without any justifiable cause, the Trial Court shall be at liberty to pass necessary order in accordance with law without any further reference to this Court.

The application for bail, being CRM 3169 of 2021, is thus **disposed of.**

(Harish Tandon, J)

(Bibek Chaudhuri,J.)