

07.07.2021

Court No.28
Item No.134

Ab
&
saswata

CRM 3249 of 2021
(Via Video Conference)

In Re:- An application for bail under section 439 of the Code of Criminal Procedure filed on 07.04.2021 in connection with Tapan Police Station Case No. 179 of 2020 dated 10.06.2020 under Sections 21(c)/22(c)/23(c)/27A of the Narcotic Drugs and Psychotropic Substances Act (Special Case no. 35 of 2020).

And

In the matter of : **Nima @ Naim @ Nime @ Rahul Sarkar**
...Petitioner

Mr. Koushik Choudhury
Ms. Busra Khatoon

...For the Petitioner

Mr. Sudip Ghosh
Mr. Bitasok Banerjee

... For the State

The petitioner has filed the instant application for bail under Section 439 of the Code of Criminal Procedure in connection with Tapan Police Station Case No. 179 of 2020 under Sections 21(c)/22(c)/23(c)/27A of the Narcotic Drugs and Psychotropic Substances Act.

The petitioner is languishing in jail for about 121 days in connection with the aforementioned case. It is submitted that no recovery of contraband was made from the exclusive possession of the petitioner and he has been implicated solely on the basis of the statement of the co-accused.

Learned advocate for the State fairly submits that the contraband was not recovered from the exclusive possession of the petitioner but the motorcycle where the contraband was being carried, belonged to the father of the petitioner and for such reason he has been implicated.

After hearing the respective submissions and on perusal of the

materials on record including the case diary, it appears that no contraband was recovered from the exclusive possession of the petitioner and he was implicated on the basis of the statement of the co-accused which is inadmissible in evidence at this stage. We, thus, do not find any material, which impedes the grant of bail under Section 37 of the Narcotic Drugs and Psychotropic Substances Act.

The prayer for bail of the petitioner is allowed.

Accordingly, the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Special Judge under NDPS Act, Balurghat, Dakshin Dinajpur 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 3249 of 2021, is thus **disposed of.**

(Harish Tandon, J)

(Subhasis Dasgupta,J.)