

02.06.2021  
Item no.35  
Court No.28  
Avijit Mitra

C.R.M. 3444 of 2021 (through video conference)

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure;

And

**In Re : Shyam Sarkar**

.... petitioner

Mr. Kaushik Chaudhury,  
Ms. Busra Khatun

....for the petitioner

Mr. Rana Mukherjee,  
Ms. Sujata Das

..... for the State

The present application has been preferred in connection with Patiram Police Station Case No.9 of 2021 dated 07.03.2021 under Sections 20(b)(ii)(B)/21(b)/29 of the Narcotic Drugs and Psychotropic Substances Act.

Having heard the learned advocates appearing for the respective parties and considering the materials in the case diary it appears that the petitioner's name has transpired from the statement of the co-accused persons before a police officer which is inadmissible evidence and there has been no recovery of contraband substance from the possession of the petitioner and the petitioner is languishing in custody for about 83 days. In view thereof we are of the opinion that the rigors of Section 37 of the N.D.P.S. Act are not attracted.

Accordingly, the petitioner, namely, **Shyam Sarkar** be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand only), with two sureties of the like amount, one of

whom must be local, to the satisfaction of the Learned Special Judge under N.D.P.S. Act, Dakshin Dinajpur at Balurghat.

The petitioner shall meet with the investigating officer of the case once a week on and from 8<sup>th</sup> June, 2021 until further orders.

While on bail, the petitioner shall not intimidate witnesses and/or tamper with evidence in any manner whatsoever.

It is made clear that in the event the petitioner fails to comply with any of the aforesaid directions, without justifiable cause, the learned trial court shall be at liberty to cancel the petitioner's bail, without any further reference to this Court.

The application for bail being C.R.M. No.3444 of 2021 is, accordingly, 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.)**