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Kole

26.07.2021
Ct. No.32
allowed

C.R.M. 3489 of 2021

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on **21/04/2021** in connection with **Behrampore Police Station Case No. 13 of 2021** dated **04/01/2021** under Sections **20 (C)/29** of the NDPS Act, 1985 (Corresponding to NDPS Case no. 11 of 2021)

And

In the matter of: - **Montu Sk. @ Muntu Sk @ Mantu Sk**
....petitioner.

Mr. Ali A. Alamgir,
Mrs. R. Dan

...for the petitioner.

Mr. Binay Kuman Panda,
Mr. Puspita Saha,
Mr. S. Kanti Bhakat

...for the State.

The petitioner is one of the accused persons whose name was mentioned by a co-accused. That co-accused person is no more, having succumbed to Covid-19.

It is not in dispute that there is no recovery from the petitioner. Hence, the statutory restriction mentioned in Section 37 of the NDPS Act would not apply.

Learned Counsel for the State in his fairness has left the matter to the Court.

We have considered the material in the case diary and the entire facts and circumstances of the case. Considering the nature of the offence and the likelihood of complicity of the petitioner in the commission of the offence, we are of the view that the petitioner qualified for bail.

Accordingly, we direct that the petitioner 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 Judge, Special Court under NDPS Act, Murshidabad, and on further conditions that he shall remain within the jurisdiction of the concerned police station and shall report to the Officer-in-Charge of the concerned police station once in a fortnight until further orders. The petitioner shall appear before the trial Court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel the petitioner's bail in accordance with law without further reference to this court.

The applications for bail is, accordingly, allowed.

All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Suvra Ghosh, J.)

(Arijit Banerjee, J.)