

30.07.2021

Court No.28
Item No.43
(Allowed)

Akd
&
As

CRM 3582 of 2021
(Via Video Conference)

In Re:- An application for bail under section 439 of the Code of Criminal Procedure filed in connection with Berhampore Police Station Case No. 264/2021 dated 16.03.2021 under Sections 22(c) and 29 of the Narcotic Drugs and Psychotropic Substances Act (Special Case No. 57 of 2021)

And

In the matter of : **Sakirul Sarkar**

...Petitioner

Mr. Jisan Iqubal Hossain.

...For the Petitioner

Mr. Sanjay Bardhan,
Ms. Manisha Sharma.

...For the State.

The Advocate on Record of the petitioner 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 petitioner has filed the instant application for bail under Section 439 of the Code of Criminal Procedure after being arrested in connection with Berhampore Police Station Case No. 264/2021 under Sections 22(c) and 29 of the Narcotic Drugs and Psychotropic Substances Act.

The petitioner has been apprehended in the instant case solely on the basis of the statement of the co-accused. No contraband was recovered from his exclusive or joint possession.

Since the statement of the co-accused made before the police is inadmissible, at this stage we think that the petitioner has been able to make out case to take exception of Section 37 of the N.D.P.S. Act.

The prayer for bail of the petitioner is thus allowed.

Accordingly, the petitioner, **Sakirul Sarkar**, 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 the NDPS Act, Berhampore, Murshidabad, subject to the condition that the petitioner shall meet the Investigation Officer once in a week

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

The application for bail, being CRM 3582 of 2021, is thus **disposed of.**

(Harish Tandon, J)

(Bibek Chaudhuri, J.)