

04.08.2021

Court No.28
Item No.38
(Allowed)

Saswata

CRM 3680 of 2021
(Via Video Conference)

In Re:- An application for bail under section 439 of the Code of Criminal Procedure filed on 30.04.2021 in connection with Chapra Police Station Case No. 71 of 2021 dated 15/02/2021 under Sections 21(C) / 29 of the NDPS Act;

And

In the matter of : **Chinmoy Bagchi**

...Petitioner

Mr. Sumanta Das

...For the Petitioner

Mr. Sanjay Bardhan

Mr. Nirupam Dhali

Mr. Palash Ch. Majhi

... For the State

The petitioner has filed the instant application for bail under Section 439 of the Code of Criminal Procedure in connection with Chapra Police Station Case No. 71 of 2021 dated 15/02/2021 under Section 21(C) / 29 of the NDPS Act.

The petitioner has been apprehended in connection with the aforementioned case solely on the statement of the co-accused. Admittedly, no contraband was recovered from the exclusive or joint possession of the petitioner. Since the statement of the co-accused before the police is inadmissible in evidence at this stage and furthermore, the offending vehicle does not stand in the name of the petitioner, we do not find that further custodial interrogation of the petitioner is at all necessary.

In view of the above, the petitioner shall be released on bail.

The prayer for bail of the petitioner is, thus, considered and 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 Judge, special Court under NDPS Act, Krishnanagar, Nadia subject to the condition that the petitioner shall appear before the Trial Court on every date of hearing until further orders and on further condition that the petitioner shall meet the Investigating Officer once in a week.

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 3680 of 2021, is thus **disposed of.**

(Harish Tandon, J)

(Bibek Chaudhuri,J.)