

06.08.2021

Court No.28
Item No.20
(Allowed)

Saswata

CRM 3976 of 2021
(Via Video Conference)

In Re:- An application for bail under section 439 of the Code of Criminal Procedure filed on 07.06.2021 in connection with NDPS Case No. 273/2020 arising out of Lalgola Police Station Case No. 515 of 2020 dated 16.12.2020 under Section 21(C)/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985;

And

In the matter of : **Mamun Rasid @ Bogha @ Mamon Sk.**
...Petitioner

Mr. Jishan Iqubal Hossain

...For the Petitioner

Mr. Sudip Ghosh

Mr. Bitasok Banerjee

... 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 in connection with NDPS Case No. 273/2020 arising out of Lalgola Police Station Case No. 515 of 2020 under Section 21(C)/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

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

In view of the non-recovery of contraband from the possession of the petitioner, the petitioner has been able to make out a case to take exception under Section 37 of the NDPS Act. Since the statement of the co-accused made before the police is inadmissible in evidence at this stage, we do not find any justification in not

releasing the petitioner 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 ₹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, Berhampore, Murshidabad 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 3976 of 2021, is thus **disposed of.**

(Harish Tandon, J)

(Bibek Chaudhuri, J.)