

22.09.2021

CRM 4402 of 2021

court no. : 28
item no. : PB-30
matter : 439
status : ALLOWED
transcriber : nandy

In Re: An application for **Bail** under Section **439** of the Code of Criminal Procedure filed on 30.06.2021 in connection with Balurghat Police Station Case No. 102 of 2021 dated 07.02.2021 under Sections 21(c)/22(c)/23(c)/25/27A/28/29 of the Narcotic Drugs and Psychotropic Substances Act read with Section 14A(b) of the Foreigners Act. (Special Case No. 12 of 2021).

and

In the matter of: **Sukumar Barman @ Jitendra Barman**

..... Petitioner

Ms. Busra Khatoon, Advocate

Mr. Kaushik Chaudhury, Advocate

..... for the Petitioner

Mr. Sanjay Bardhan, Advocate

Mr. Palash Chandra Majhi, Advocate

..... for the State

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 is arrested in connection with afore-mentioned case solely on the basis of the statement of the co-accused. Sine the statement of the co-accused made before the police authority is not admissible in evidence at this stage, we do not find any justification in keeping the petitioner in custody. Furthermore, no contraband is recovered from the exclusive possession of the petitioner.

As such, the prayer for bail is **allowed**.

Accordingly, the petitioner shall be released on bail on the following conditions:-

- i) The petitioner shall furnish a bond of Rs.10,000/-, with two sureties of Rs.5,000/- each, one of whom must be local, to

the satisfaction of the learned Special Judge (under NDPS Act)-cum-ADJ, Third Court, Dakshin Dinajpur at Balurghat.

- ii) The petitioner shall make himself available on each and every date so fixed by the trial Court;
- iii) The petitioner shall not tamper with the evidence and shall not intimidate the witnesses in any manner whatsoever;
- iv) Failure to attend the Court on a solitary day without any justifiable reason shall disentitle the petitioner the privilege of bail and the trial Court would be at liberty to cancel the bail without any reference to this Court.

The application being **CRM 4402 of 2021** accordingly **disposed of.**

(Harish Tandon, J.)

(Bibek Chaudhuri, J.)