

688.
16.11.2021.
ap

C.R.M. 4923 of 2021
(via video conference)

In the matter of: an application for bail under Section 439 of the Code of Criminal Procedure filed on 23.07.2021 in connection with Kaliachak Police Station Case No. 557 of 2020 dated 17.07.2020 under Sections 21(C)/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985.
And

In re.: Alam Khan @ Alim Sk. Petitioner

Mr. Milon Mukherjee,
Mr. Sourav Chatterjee,
Mr. Avinaba Patra,
Mr. Dipayan Kundu. ... for the petitioner

Mr. Swapan Banerjee,
Mr. Suman De. for the State

The learned Advocate appearing for the petitioner submits that the petitioner is in custody for 180 days. He further submits that police concluded the investigation and submitted charge-sheet. He also submits that there is no material to implicate the petitioner. He submits that the petitioner is sought to be implicated on the basis of a statement of the co-accused, which is of no evidentiary value. Consequently, he seeks bail.

The learned Advocate appearing for the State draws attention of this Court the materials in the case diary and the statements of the witnesses recorded under Section 161 of the Code of Criminal Procedure.

Considering the materials in the case diary and the charge-sheet and considering the fact that the petitioner is sought to be implicated on the basis of the statements of the co-accused and considering the fact that no recovery was

made from the possession of the petitioner, we are of the view that the petitioner is able to rebut the presumption under Section 37 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

Considering the fact that the police submitted charge-sheet, we grant bail to the petitioner.

Therefore, the petitioner be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand only), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional District Judge, 3rd Court, Malda, Special Court, under Narcotic Drugs and Psychotropic Substances Act, 1985 subject to condition that the petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses 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 his bail automatically without reference to this court.

C.R.M. No. 4923 of 2021 is disposed of.

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

(Debangsu Basak, J.)

(Ananda Kumar Mukherjee, J.)

