

29.09.2021

105
Ct. No. 29
KAUSHIK
Allowed

C.R.M. 5169 of 2021
(Via Video Conference)

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Balurghat** Police Station Case No. **335** of **2019** dated **12.06.2019** under Sections 21(c)/22(c)/23(c)/27A/28/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

And

In Re : Ashoke Sarkar

..... petitioner

Mr. Sohan Lal Adak
Mr. T. Mondal

.....for the petitioner

Mr. Swapan Banerjee
Mr. Suman De

....for the State

Petitioner seeks bail.

Learned advocate appearing for the petitioner submits that, since no contraband was seized from the possession of the petitioner, further detention of the petitioner is not required. She seeks to correct the typographical errors in the body of the petition.

Learned advocate appearing for the State submits that, the petitioner was absconding for some time and was subsequently arrested. He submits that, although charge-sheet was submitted, the police will be submitting a supplementary charge-sheet.

Considering that no contraband was recovered 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 NDPS Act. Since the police submitted charge-sheet, we are of the view that further detention of the petitioner is not required and accordingly we grant bail to the petitioner.

Accordingly, we direct that the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- with two sureties of like amount each, one of whom must be local, to the satisfaction of the **learned Special Judge (NDPS Act), Balurghat**, subject to the condition that the petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate the witnesses and/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 further reference to this Court.

The application for bail is, accordingly, allowed.

(Debangsu Basak, J.)

(Ananda Kumar Mukherjee, J.)