

10.11.2021
Court No.29
(Allowed)

In Re: - An application for anticipatory bail under Section 439 of the Code of Criminal Procedure in connection with **Balurghat** P.S. Case No. 491 of 2020 dated **09/12/2020** under Sections 411/414/188/224 of the Indian Penal Code and Sections 21(C)/22(C)/23(C)/25/27A/28/29 of the NDPS Act, 1985.

And

In the matter of: Emol Pahan @ Imal

....petitioner.

Ms. B. Khatoon

...for the petitioner.

Mr. Sanjoy Bardhan

Mr. P. C. Majhi

...for the State.

Petitioner seeks bail.

Learned Advocate for the petitioner submits that no contraband was recovered from the possession of the petitioner and a co-accused, similarly situated was granted anticipatory bail by the co-ordinate Bench of this Court

Having considered the submissions of the parties and the materials on record and that fact that no contraband was seized from the possession of the petitioner and considering the fact that another co-accused was granted anticipatory bail on January 11, 2021 in CRM 10703 of 2020, we are of the opinion that petitioner has been able to rebut the statutory restrictions under Section 37 of the NDPS Act. We are inclined to grant bail to the petitioner.

Accordingly we direct that the petitioner shall 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 Judge, Special Court under NDPS Act, Balurghat, Dakshin Dinajpur subject to 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 fail to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

The application for bail being C.R.M. 5184 of 2021 is, thus, allowed.

(Debangsu Basak, J.)

(Ananda Kumar Mukherjee, J.)