

18.11.2021
 Ct No. 28
 D/L 5
 ab/rrc

C.R.M. 5393 of 2021
(Via Video Conference)

Re: An application for bail under Section 439 of the Code of Criminal Procedure filed in connection with Belda Police Station Case No. 26/2020 dated 22.01.2020 under Section 21 (b) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

In Re: **Pradip Pani @ Laba**

... petitioner

Mr. Pravas Bhattacharya

... for the petitioner

Mr. Rana Mukherjee
 Ms. Sujata Das
 Ms. Debjani Sahu

.... for the State

The learned 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 after being arrested in connection with Belda Police Station Case No. 26/2020 dated 22.01.2020 under Section 21 (b) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

The petitioner has been shown arrested in connection with the aforementioned case solely on the basis of the statement of the co-accused. 6 gms. of Heroin was recovered from the other co-accused, who, during the investigation

disclosed the name of the petitioner to have involved in dealing with the matter.

Our attention is drawn to the fact by the learned Advocate appearing for the State that the petitioner has already been arrested in connection with the other case registered under the Narcotic Drugs and Psychotropic Substances Act and is languishing in jail since March, 2021.

The instant arrest has been shown after ten months of the incident that too on the recovery of intermediate quantity of contraband from the possession of the co-accused. There is no other materials found during the investigation establishing the nexus of the petitioner in connection with the recovery of the intermediate quantity of contraband from the possession of the co-accused except the disclosure of the name by them.

We feel that it is a fit case where the petitioner is entitled to be enlarged on bail in connection with the aforementioned case. Furthermore, the charge sheet has already been submitted in this case. Accordingly, the prayer for bail is allowed.

Accordingly, 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 under the NDPS Act, 4th Court, Paschim Medinipur subject to the conditions that the petitioner shall attend the trial Court on each and every date of hearing of the case unless prevented by sufficient cause and in the event of his failure on any date without justifiable cause,

the trial Court would be at liberty to cancel the bail without any further reference to this Court.

The application for bail being **C.R.M. 5393 of 2021** is, **allowed.**

(Harish Tandon, J.)

(Rabindranath Samanta, J.)