

29.11.2021
Sl No.12
Ct. No.32
s.biswas

CRM 5478 of 2021

In Re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Balurghat** Police Station Case No. **491/2020** dated **09.12.2020** under Sections **411/414/188/224** of the Indian Penal Code read with Sections **21(C)/22(C)/23(C)/25/27A/28/29** of the NDPS Act and Sections **11(1)(d)/(e)/(f)** of the Prevention of Cruelty of the Animals Act.

And

In Re: **Haridas Barman**

... .. Petitioner

Ms. Bushra Khatoon, Advocate

... for the petitioner

Mr. Sanjoy Bardhan,

Ms. Manisha Sharma, Advocates

... .. for the State

Learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated and there had been no recovery of contraband substances from the possession of the petitioner and his name has been transpired only on the basis of the statement of the co-accused persons. Further, he has already suffered incarceration for about 164 days and there is also no possibility of early conclusion of trial. In the said conspectus, he may be enlarged on bail on any stringent condition.

Mr. Bardhan, learned advocate appearing for the State submits that there had been a recovery of 110 bottles of phensydel and 2 kilograms of ganja and there are materials on record, which reveal the involvement of the petitioner in the alleged offence.

Having heard the learned advocates appearing for the respective parties and considering the materials in the case diary and the fact that the petitioner's name has been transpired on the

basis of the statement of other co-accused persons, we are, *prima facie*, of the opinion that the rigours of Section 37 of the NDPS Act are not attracted. Considering the period of detention and as there is no possibility towards early conclusion of the trial, the petitioner may be enlarged on bail.

Accordingly, we direct that the petitioner, namely, **Haridas Barman** 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 learned Special Judge, under NDPS Act, Balurghat, Dakshin Dinajpur, with a further condition that the petitioner shall not leave the jurisdiction of Balurghat Police Station until further orders.

It is further directed that the petitioner shall not intimidate the witnesses and/or tamper with the evidence in any manner and shall appear before learned trial Court on all the dates as specified for hearing.

In the event the petitioner fails to comply with the conditions as stated hereinabove, it would be open to the learned Trial Court to cancel the bail without any further reference to this Court.

The application for bail being C.R.M. 5478 of 2021 is, accordingly, disposed of.

All parties shall act on the server copies of this order duly downloaded from the official website of this Court.

(Sugato Majumdar, J.)

(Tapabrata Chakraborty, J.)