

23.09.2021
Item no.25.
Court No.32.
AB
(Allowed)

(Via Video Conference)

CRM No. 5602 of 2021

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure filed on 18.08.2021 in connection with Nowda Police Station Case No.165 of 2020 Dated 13.11.2020 under Sections 20(b)(ii)(c)/29 of the NDPS Act

And

In the matter of : Jabbar Sk. @ Jabbarul Sk.

.....Petitioner.

Ms. Minoti Gomes,
Mr. J. I. Hossain for the Petitioner.

Mr. Binay Kumar Panda,
Ms. Pushpita Saha,
Mr. Subham Bhakat for the State.

The petitioner is one out of four accused persons. He says that there was no recovery of contraband items from him. His name has transpired from the statement made by the prime accused from whom 203 kilograms of ganja was recovered. He further says that another co-accused viz. Surojit Sarkar has been granted anticipatory bail by this Court on December 11, 2020 in CRM No.10252 of 2020. He stands on the same footing as Surajit Sarkar. He is in custody for about eight months. Charge sheet has been submitted.

We have seen the material in the case diary. Prima facie, there does not seem to be direct implication of this petitioner. Since there was no recovery from him, the restriction in Section 37 of the NDPS Act would not be attracted.

On an overall assessment of the facts and circumstances of the case and the material on record and the lengthy detention of the petitioner and also keeping in mind that charge sheet has been submitted, we are of the view that further custodial detention of the petitioner is not necessary.

Accordingly, we direct that the petitioner, namely Jabbar Sk. @ Jabbarul Sk. 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 Judge, Special Court under the NDPS Act at Berhampore, Murshidabad, and on further conditions that he shall remain within the jurisdiction of the concerned police station and shall report to the Officer-in-Charge of the concerned police station once in a fortnight until further orders.

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 adhere to any of the conditions stipulated above without justifiable cause, the trial court shall be at liberty to cancel the petitioner's bail in accordance with law without further reference to this Court.

The application for bail is, accordingly, allowed.

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

(Bivas Pattanayak, J.)

(Arijit Banerjee, J.)