

16.09.2021
Serial no.86
Aloke
Ct. No.29

(Through Video Conference)

CRM 5655 of 2021

In re : An Application for Bail under Section 439 of the Code of Criminal Procedure filed on 23.08.2021 in connection with Hili Police Station Case No. 104 of 2021 dated 29.05.2021 under Sections 20(b) of the NDPS Act.

And

In the matter of : Shyama Mahanta

... ..Petitioner

Mr. Utsav Dutta, Advocate
Mr. Subrata Saha, Advocate

... .. For the Petitioner

Md. Anwar Hossain, Advocate
Ms. Sreeyashee Biswas, Advocate

... ..For the State

Petitioner seeks bail.

Learned advocate appearing for the petitioner submits that the principal accused is on bail. Nothing was recovered from the possession of the petitioner.

Learned Advocate appearing for the State draws the attention of the Court to the seizure list.

Considering the fact that nothing was recovered from the possession of the petitioner and the fact that the principal accused is on bail, we are of the view that the petitioner is able to rebut the presumption under Section 37 of the NDPS Act. Accordingly, 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 Special Judge (under NDPS Act), 3rd Court, Balurghat, Dakshin Dinajpur, subject to condition that the petitioner shall appear before the learned trial court on every date of hearing until

further orders and shall not intimidate witnesses and/or tamper with evidence in any manner whatsoever and on further condition that petitioner shall meet the investigating officer once in a week until further orders.

In the event, the petitioner fails to appear before the jurisdiction court without any justifiable cause, the jurisdictional court shall be at liberty to cancel the bail of the petitioner in accordance with law without further reference to this Court.

The application for bail is allowed.

CRM 5655 of 2021 is disposed of.

(Debangsu Basak, J.)

(Ananda Kumar Mukherjee, J.)