

17.11.2021

CRM 6169 of 2021

Court no. : 28
Item no. : PB-10
Matter : 439
Status : ALLOWED
Transcriber: nandy

In Re: An application for **Bail** under Section **439** of the Code of Criminal Procedure filed on 13.09.2021 in connection with Bhimpur Police Station Case No. 141 of 2021 dated 17.05.2021 under Sections 21(c) of the Narcotic Drugs and Psychotropic Substances Act. (NDPS Special Case No. 46 of 2021)

and

In the matter of: **Kartick Rajbhar @ Kartik @ Bokul**

..... Petitioner

Mr. Sandip Chakraborty, Advocate

Mr. Antarikhya Basu, Advocate

Ms. Madhumita Basak, Advocate

.....for the Petitioner

Mr. Ranabir Sengupta, Advocate

..... for the State

The petitioner has filed the instant application for bail in connection with Bhimpur Police Station Case No. 141 of 2021 dated 17.05.2021 under Sections 21(c) of the Narcotic Drugs and Psychotropic Substances Act.

Learned Advocate of the petitioner submits that no contraband was recovered from the petitioner and the petitioner has been implicated solely on the basis of the statement of the co-accused. It is further submitted that other co-accused persons, who stand on the similar footing that of the petitioner, have been granted anticipatory bail by this Court whereas the petitioner is still languishing in jail for nearly 107 days.

Learned Advocate for the State opposes the prayer for bail. It is submitted that the statement of the co-accused discloses the involvement of the petitioner in dealing with the contraband and, therefore, the prayer for bail should be rejected.

After hearing the learned Counsel for the respective parties and on perusal of the materials available from the record, there is

no doubt that there was no recovery either exclusive or joint possession of the petitioner at the time of raid. The name of the petitioner was disclosed at the time of interrogation of the co-accused without any corroborative evidence to establish a link. Since the statement of the co-accused before the Police Officer is not admissible at this stage and other co-accused persons have been granted anticipatory bail, we do not find any justification in not enlarging the petitioner on bail. Furthermore, chargesheet has already been submitted.

As such, the prayer for bail is **allowed**.

Accordingly, the petitioner shall be released on bail on the following conditions:-

- i) The petitioner shall furnish a bond of Rs.10,000/-, with two sureties of Rs.5,000/- each, one of whom must be local, to the satisfaction of the Chief Judicial Magistrate, Krishnanagar, Nadia;
- ii) The petitioner shall attend the Court case on each and every date so fixed by the trial Court;
- iii) Failure to attend the Court on a solitary day without any justifiable reason shall disentitle the petitioner the privilege of bail and the trial Court would be at liberty to cancel the bail without any reference to this Court.

The application being **CRM 6169 of 2021** accordingly **disposed of**.

(Harish Tandon, J.)

(Rabindranath Samanta, J.)

