

27.09.2021

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Ct. No. 29

KAUSHIK

Allowed

**C.R.M. 6323 of 2021
(Via Video Conference)**

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Chakdah** Police Station Case No. **389** of **2018** dated **05.12.2018** under Sections 419/468/471/120B of the Indian Penal Code, 1860 and Sections 20(b)/21(c)25/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

And

In Re : Manik Shil @ Sanjib Shil

..... petitioner

Mr. Soubhik Mitter

Mr. Liton Moitra

.....for the petitioner

Mr. Sanjoy Bardhan

Mr. Palash Chandra Majhi

....for the State

Petitioner seeks bail.

Learned advocate appearing for the petitioner submits that, the petitioner stands on the same footing as that of the other co-accused who was granted anticipatory bail on September 9, 2021.

Learned advocate appearing for the State in answer to a query from the Court submits that, no recovery was made from the possession of the petitioner.

Considering the fact that no contraband was recovered from the possession of the petitioner, it would be appropriate to hold that the petitioner is able to rebut the presumption under Section 37 of the NDPS Act. Considering that the police submitted charge sheet we grant bail to the petitioner.

Accordingly, we direct that the petitioner 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, NDPS Act, Nadia, Krishnagar**, subject to the condition that 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 appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail automatically without further reference to this Court.

The application for bail is, accordingly, allowed.

(Debangsu Basak, J.)

(Ananda Kumar Mukherjee, J.)