

27.09.2021
Serial no. 21
Dd

(Through Video Conference)

CRM 6392 of 2021

In re : An Application for **Bail** under Section **439** of the Code of Criminal Procedure filed on **15th September, 2021** in connection with **Balurghat** Police Station Case No. **491 of 2018** dated **26.12.2018** under **Sections 21(c)/22(c)/23(c)/27A** of the Narcotic Drugs and Psychotropic Substance Act, now charge has been submitted being Charge Sheet No. 511 of 2019 dated 05.11.2019 under Sections 21(c)/22(c)/23(c)/27A of the Narcotic Drugs and Psychotropic Substances Act (Corresponding Special Case No. 4 of 2019)

-And-

In the matter of : Sanjib Bhattacharjee Petitioner

Ms. Busra Khatun, Advocate
... .. For the Petitioner

Mr. Sanjay Bardhan,
Mr. Ranadeb Sengupta, Advocates
... ..For the State

Petitioner seeks bail.

Learned advocate appearing for the petitioner submits that nothing was recovered from the possession of the petitioner. Some other co-accused were granted bail by co-ordinate Bench. The principal accused was also granted bail.

State is represented.

Since no contraband was seized from the possession of the petitioner, we are of the view that the petitioner is able to rebut the presumption of Section 37 of the NDPS Act and since police submitted charge sheet, 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)-cum- Additional District and Sessions Judge, 3rd Court, Dakshin Dinajpur at Balurghat 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.

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

The prayer for bail is **allowed**.

CRM 6392 of 2021 is **disposed of**.

(Debangsu Basak, J.)

(Ananda Kumar Mukherjee, J.)