

26.11.2021
Court No.32
Item No. 02
Krishnendu
Bail Granted

CRM 6883 of 2021
(Via video Conference)

In Re:- An application for bail under section 439 of the Code of Criminal Procedure ;

And

In Re : **Rumjan @ Ramjan Sk.**

Petitioner

Mr. Santanu Maji

For the Petitioner

Mr. Sanjoy Bardhan

Ms. Sutapa Banerjee

For the State

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Ketugram Police Station Case No. 80 of 2021 dated 30.01.2021 under sections 20(ii)(c)/25/29 of the Narcotic Drugs and Psychotropic Substances Act.

Mr. Maji, learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated. There was no recovery from his possession. He has no antecedents and his name has transpired only on the basis of the co-accused statements. In the said conspectus, further detention of the petitioner, who is already in custody for 294 days, is not necessary, more so when upon completion of investigation, charge sheet has been submitted.

Mr. Bardhan, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to several documents in the

case diary. Answering to a query of this Court, he submits that the petitioner has no antecedents.

Having heard the learned advocates appearing for the respective parties and considering the materials in the case diary and as the petitioner's name has transpired on the basis of co-accused statements and there had been no recovery from his possession, the rigours of section 37 of the N.D.P.S. Act are not attracted and as such we are of the opinion that further detention of the petitioner, who is in custody for more than 294 days, is not warranted in the facts and circumstances of the case.

Accordingly, we allow this application and direct that the petitioner, namely, **Rumjan @ Ramjan Sk.**, shall be released on bail upon furnishing a bond of `10,000/- with two sureties of like amount each, one of whom must be a local, to the satisfaction of the learned Judge, Third Special Court under NDPS Act, Purba Bardhaman and on condition that he shall reside within the jurisdiction of Ketugram Police Station.

It is further directed that the petitioner shall attend the learned trial court on all the dates, as specified for hearing and shall not intimidate the witnesses or tamper with evidence in any manner whatsoever.

It is made clear that in the event the petitioner fails to comply with the aforesaid directions without any justifiable cause, the learned trial court would be at liberty to cancel the petitioner's bail without any further reference to this Court.

With the aforesaid observations, the application for bail, being CRM No.6883 of 2021, is disposed of.

All parties shall act on the server copies of this order duly

downloaded from the official *website* of this Court.

(Sugato Majumdar, J)

(Tapabrata Chakraborty, J)