

24.11.2021

633
Ct. No. 29
KAUSHIK
Allowed

C.R.M. 7604 of 2021

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Nowda** Police Station Case No. **165** of **2020** dated **13.11.2020** under Sections 20(b)(ii)(c)/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

And

In Re : Subrata Halder @ Humu

..... petitioner

Mr. Tapodip Gupta

.....for the petitioner

Mr. Binoy Panda

Ms. Puspita Saha

Mr. Subham Bhakat

....for the State

Petitioner seeks bail on the ground of parity with one co-accused, who was granted anticipatory bail by the Coordinate Bench and the other co-accused, who was granted bail by another Coordinate Bench.

Learned advocate appearing for the petitioner submits that, no contraband was recovered from the possession of the petitioner. The petitioner was sought to be falsely implicated on the basis of statement of a co-accused.

Learned advocate appearing for the State refers to the contents in the case diary.

Considering the materials in the case diary and considering the fact that no contraband was recovered from the possession of the petitioner, we are of the view that the petitioner is in a position to rebut the presumption under

Section 37 of the NDPS Act, 1985. Considering the fact that one co-accused was granted anticipatory bail and another co-accused was granted bail, 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 under NDPS Act, Berhampore, Murshidabad**, 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.

The application for bail is, accordingly, allowed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)