

06.12.2021
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allowed

CRM 7794 of 2021
(via video conferencing)

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Serampore Police Station Case No. 217 of 2021 dated 19.06.2021 under Sections 21(c) of the NDPS Act.

And

In Re : Jiten Kanti @ Rabi Shankar petitioner

Mr. Sudip Ghosh Chowdhury

Mr. Argha Das

Mr. Abhishek Bose

.....for the petitioner

Mr. Sudip Ghosh

Mr. Bitasok Banerjee

..... for the State

Learned Counsel appearing for the petitioner submits that no narcotic substance was recovered from his possession. It is further submitted that he is in custody for 168 days.

Learned Counsel appearing for the State opposes the prayer for bail and submits that the petitioner has criminal antecedent.

We have considered the materials on record. No narcotic substance was recovered from the possession of the petitioner. His complicity has transpired from the statements of the co-accused persons before police officer which are inadmissible in evidence. Hence, we are of the opinion that the petitioner has been able to rebut the statutory restrictions under Section 37 of the NDPS Act. Accordingly, we are inclined to grant bail to him.

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 Judge, Special Court under NDPS Act, Hooghly, 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.

(Bivas Pattanayak, J.)

(Joymalya Bagchi, J.)