

21.12.2021
Item 143
Court No.28.
AB

CRM No. 8609 of 2021

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure in connection with Berhampore P. S. Case No.632 of 2021 dated 26.06.2021 under Sections 22(c)/29 of the NDPS Act

And

In the matter of : Tajibul Sk. @ Kichu

.....Petitioner.

Mr. Somnath Adhikari,
Mr. J. I. Hossainfor the Petitioner.

Mr. Ranabir Roychoudhry,
Mr. Mainak Guptafor the State.

It is submitted on behalf of the petitioner that he is in custody for 176 days. It is further submitted that further recoveries, while the petitioner was in custody, was from the residence of co-accused Baby Kar.

We have considered the materials on record. No narcotic substance was initially recovered from the possession of the petitioner. It is alleged pursuant to the joint statements of petitioner and co-accused Baby Kar, further recoveries were made from the residence of the other co-accused. Extent of complicity of the petitioner in the alleged recovery pursuant to his so-called leading statement is to be assessed in the light of the circumstance that the recovery was from the residence

of co-accused Baby Kar who appears to have led the police to the spot.

Under such circumstances, we are of the opinion that the petitioner has been able to rebut statutory restrictions under Section 37 of the NDPS Act and he may be granted bail.

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 the NDPS Act at 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.

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, thus, allowed.

Urgent Photostat Certified copy of this order, if applied for, be supplied expeditiously after complying with all necessary legal formalities.

(Bivas Pattanayak, J.)

(Joymalya Bagchi, J.)

