

11.02.2021

Item No.12

Ct.No.28

dc.

Allowed

C.R.M. 9800 of 2020

(Via Video Conference)

In Re : An Application for bail under Section 439 of the Code of Criminal Procedure.

And

In Re : **Arup Roy**

... Petitioner.

Mr. Kaushik Chowdhury,
Ms. Busra Khatoon

... For the Petitioner.

Mr. Binay Panda,
Mr. Subham Bhakat

... For the State.

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Balurghat P.S. Case No. 351 of 2018 dated 24.10.2018 under Sections 21(C)/22(C)/23(C)/27A of the Narcotic Drugs and Psychotropic Substances Act (Special Case No. 52 of 2018).

The learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated in the alleged offence. There was no recovery of contraband substance from the petitioner and his name has transpired on the basis of statement of a co-accused person. He further submits that co-accused persons similarly situated with the petitioner had already been granted anticipatory bail by co-ordinate Bench of this Court. Upon completion of investigation, charge-sheet has also been filed and as such,

further detention of the petitioner, who is in custody for 181 days, is not necessary.

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

Having heard the learned advocates and considering the materials in the case diary and as no contraband substance was recovered from the petitioner and as his name has transpired on the basis of statement of a co-accused person, which is inadmissible in evidence, we are of the opinion that the petitioner has been able to overcome the rigours of Section 37 of the N.D.P.S. Act and as such, his prayer for bail is allowed.

Accordingly, we direct that the petitioner, namely, **Arup Roy** 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, Dakshin Dinajpur at Balurghat and on a further condition that the petitioner shall meet with the Officer-in-Charge of Balurghat Police Station once a week on and from 22nd February, 2021 until further orders.

The application for bail, being CRM 9800 of 2020, is, thus, disposed of.

All parties shall act on the server copies of this order duly downloaded from the official website of this Court.

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)