

04-01-2021  
K.B.  
Item no.11  
Bail allowed

IN THE HIGH COURT AT CALCUTTA  
Criminal Miscellaneous Jurisdiction

C.R.M 10729 of 2020  
Harun-ur-Rashid @ Mia  
-vs-  
The State of West Bengal

**In Re:** An application for bail under Section 439 Cr.P.C in connection with Tapan Police Station Case No. 58 of 2020 dated 16.02.2020 under Sections 21(c)/22(c)/23(c)/27A/29 of the NDPS Act (Special Case No. 08 of 2020).

Mr. Kaushik Choudhury  
Mr. Sabyasachi Hazra ...for the petitioner.

Mr. Sanjay Bardhan  
Mr. Palash Chandra Majhi ... for the State.

Learned advocate, Mr. Kaushik Choudhury prays for bail on the ground of his detention for about last 35 days.

It is submitted by the learned advocate for the petitioner that the petitioner has been falsely implicated on the basis of statement of co-accused, which is inadmissible in evidence. Nothing is recovered from the possession of instant accused person. Both charge sheet and supplementary charge sheet have already been submitted.

Learned Addl. Public Prosecutor, Mr. Bardhan raises strong objection against the prayer for bail submitting that there is huge recovery of narcotic substances from other co-accused.

Having considered the materials already collected in the Case Diary and bearing in mind the extent of complicity in the alleged offence that no narcotic substance was recovered from the possession of the accused person, and that the petitioner has been involved in this

case on the basis of statement of co-accused, we are of the view that the restriction imposed under Section 37 of the NDPS Act appears to have been sufficiently rebutted.

Accordingly, the petitioner may find bail by furnishing a bond of Rs.20,000/-(Rs. Twenty thousand only) with two sureties each of like amount, one of whom must be local and subject to the satisfaction of Ld. Spl. Judge, under N.D.P.S. Act, Dakshin Dinajpur, Balurghat on condition that the petitioner shall ensure his attendance on each date of trial, and further that he will not misuse his liberty by intimidating the witnesses in any manner whatsoever and tamper the evidence collected.

Accordingly, the application for bail, being CRM No. 10729 of 2020 stands disposed of.

All parties shall act in terms of the copy of the order downloaded from the official website of this Court.

Urgent xerox certified copy of this order, if applied for, be supplied to the parties on usual undertaking.

[Subhasis Dasgupta, J.]

[Subrata Talukdar, J.]

