

04.01.2021

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Sws M
Ct. No.05

Allowed

CRM 10739 of 2020

(Via Video Conference)

In Re : An application for bail under Section 439 of the Code of Criminal Procedure in connection with Kumarganj Police Station Case No. 107 of 2020 dated 20.07.2020 under Sections 21(c)/22(c)/23(c)/27A of the Narcotic Drugs and Psychotropic Substance Act.

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And

In the matter of : **Sukumar Sarkar**

..... Petitioner

Mr. Kaushik Choudhury
Mr. Sabyasachi Hazra

.... for the Petitioner

Mr. Sanjoy Bardhan
Ms. Manisha Sharma

...for the State.

Learned Advocate, Mr. Choudhury prays for bail on the ground of long incarceration of 135 days. It is submitted by the learned Advocate for the petitioner that the petitioner has been falsely implicated in this case on the basis of statement of co-accused and nothing has been recovered, within the meaning of Narcotic substance, from the possession of the accused person.

Learned Additional Public Prosecutor raises objection against the prayer for bail submitting that attempt was made to collect the chemical report, but in spite of putting best effort to collect the chemical report, charge-sheet has been submitted without any chemical report. Our attention is drawn to the order dated November 12, 2020, passed by

this Court in CRM 9302 of 2020 allowing renewal of the prayer for bail, if the chemical report goes unsubmitted within the stipulated date pursuant to the direction of the Division Bench and we are apprised of by the learned Advocate for both sides that the chemical report has not yet been collected.

Having considered the materials already collected in the CD and bearing in mind the extent of complicity, as revealed from the statement of the co-accused which is also inadmissible in evidence, we are of the considered view that the restriction imposed under Section 37 of the NDPS Act has been sufficiently rebutted.

Accordingly, the petitioner (Sukumar Sarkar), may find bail of Rs.20,000/-(Rupees Twenty Thousand only), with two sureties of like amount each, one of whom must be local to the satisfaction of the learned Special Judge, under NDPS Act, Dakshin Dinajpur and on further condition that the petitioner shall not tamper with the evidence or intimidate the witnesses in any manner whatsoever and shall ensure his appearance on the dates of trial and failure of which may invite cancellation of his bail without making any further reference to this Court.

With these observations, CRM 10739 of 2020 stands disposed of.

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

Urgent Xerox certified copy of this order, if applied for, be supplied to the parties, subject to compliance with all requisite formalities.

(Subhasis Dasgupta, J.)

(Subrata Talukdar, J.)

