

04.01.2021

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Sws M
Ct. No.05

Allowed

CRM 10743 of 2020

(Via Video Conference)

In Re : An application for bail under Section 439 of the Code of Criminal Procedure in connection with Petrapole Police Station Case No. 119 of 2020 dated 16th October, 2020 under Sections 20(b)(ii)(B) of the Narcotic Drugs and Psychotropic Substance Act, 1985.

And

In the matter of : **Mahiuddin Mali @ Mohiruddin**

..... Petitioner

Mr. Arnab Chatterjee

.... for the Petitioner

Mr. P.K. Datta

Mr. Santanu Deb Roy

...for the State.

Learned Advocate, Mr. Chatterjee prays for bail on the ground of long incarceration of 66 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 the 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 referring extent of recovery from the possession of co-accused person. Charge-sheet has since been submitted in this case. Admittedly nothing has been recovered from the possession of the accused person during the last period of detention.

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 (Mahiuddin Mali @ Mohiruddin), 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, Barasat, North 24 Parganas 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 10743 of 2020 stands disposed of.

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.)