

CRM No.10885 of 2020

04.02.21
(S.R.)
Sl.17
Ct.28

In re: An application for bail under Section 439 of the Code of Criminal Procedure filed in connection with **Islampur** Police Station **Case No.336 of 2016** dated **03.10.2016** under Sections **21(c)/29** of NDPS Act;

And

In re: Kawsar Sk @ Kaosar Mondal @ Mondal Kaosar ... petitioner.

Mr. Anisur Rahaman ... for the petitioner.

Mr. Saibal Bapuli

Mr. Arani Bhattacharyya ...for the State.

The learned advocate appearing for the petitioner submits that the petitioner's name has transpired on the basis of a statement of a co-accused. One co-accused person has already been granted bail. Upon completion of investigation charge sheet has also been filed and in view thereof, further detention of the petitioner, who is in custody for 77 (seventy seven) days, is not necessary.

Mr. Bapuli, learned advocate appearing for the State submits that the petitioner's name has transpired on the basis of a statement of a co-accused person 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 the petitioner's name has transpired on the basis of a statement of a co-accused, 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 NDPS.

Accordingly, the petitioner, namely, **Kawsar Sk @ Kaosar Mondal @ Mondal Kaosar**, shall be released on bail upon furnishing a bond of Rs.10,000/- with two sureties of like amount, one of whom must be local, to the satisfaction of the learned Special Court, Baharampur, Murshidabad and on a further condition that petitioner shall appear before the Special Court on every date of hearing until further orders and shall not intimidate the witnesses or tamper with the evidence in any manner whatsoever.

In any event, the petitioner fails to appear before the Special Court without justifiable cause, the Special Court would be at liberty to cancel his bail in accordance with law without any further reference to this Court.

Accordingly, the application for bail being CRM No.10885 of 2020, is, thus, disposed of.

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)

