

12.02.2021
Item no.22
Court No.28
Avijit Mitra

C.R.M.11048 of 2020 (through video conference)

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure filed in connection with Kaliachak Police Station Case No.647 of 2020 dated 27.08.2020 under Sections 21(c)/29 of the Narcotic Drugs and Psychotropic Substances Act;

And

In Re : Abdul Barek

.... petitioner

Mr. Mrityunjoy Chatterjee

....for the petitioner

Mr. Saryati Dutta

..... for the State

Learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated. His name has transpired on the basis of statement of a co-accused person. Upon completion of investigation charge sheet has also been filed and as such further detention of the petitioner, who is in custody since 11.11.2020, is not necessary.

Mr. Dutta, learned advocate appearing for the State opposes the petitioner's prayer. However, he submits that no contraband substance was recovered from the possession of the petitioner.

Having heard the learned advocates and considering the materials in the case diary and as there had been no recovery of contraband substance from the possession of the petitioner and as his name has transpired on the basis of statement of a co-accused, which is inadmissible in evidence, we are of the opinion that the petitioner has been able to overcome the rigors

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, **Abdul Barek** shall be released on bail upon furnishing a bond of Rs.10,000/- with two sureties of like amount each, one of whom must be local, to the satisfaction of the Learned Special Judge, 4th Court under N.D.P.S. Act, Malda.

The application for bail being C.R.M. No.11048 of 2020 is, accordingly, disposed of.

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)