

18.03.2021

CRM 11093 of 2020

Court No.28
Item No.17

akd

In Re:- An application for bail under section 439 of the Code of Criminal Procedure filed on 21.12.2020 in connection with Balurghat Police Station Case No. 97 of 2020, dated 29.02.2020 under Sections 21(C)/22(C)/23(C)/25/27A/28/29 of the Narcotic Drugs and Psychotropic Substances Act (Special case no. 12 of 2020).

And

In the matter of : **Baidya Singh @ Baidyanath Singh.**
...Petitioner

Mr. Kaushik Choudhury,
Ms. Busra Khatoon.

...For the Petitioner

Mr. Saryati Datta.

...For the State.

The petitioner has filed the instant application for bail under Section 439 of the Code of Criminal Procedure after being arrested in connection with Balurghat Police Station Case No. 97 of 2020 under Sections 21(C)/22(C)/23(C)/25/27A/28/29 of the Narcotic Drugs and Psychotropic Substances Act.

Learned Advocate appearing for the petitioner submits that he has been falsely implicated in connection with the instant case. It is further submitted that no contraband was recovered from the possession of the petitioner. Learned Advocate arduously submits that the co-accused has already been granted anticipatory bail by this Court in CRM 7479 of 2020 on 17.11.2020 and, therefore, the petitioner may also get the privilege of bail.

Learned Advocate for the State opposes the prayer for bail. It is fairly submitted that the contraband was not recovered from the petitioner, but the petitioner is absconding for a pretty long time.

We have heard the submissions so advanced by the respective Counsels and perused the materials available in the case diary and considered the fact that the contraband was not recovered from the exclusive possession of the petitioner and his name transpires at the time of interrogation of the co-accused. Furthermore, the co-ordinate Bench has granted anticipatory bail to the similarly circumstanced co-accused and, therefore, we do not find any justification in not giving the privilege of bail under Section 439 of the Cr. P.C. to the

present petitioner.

Accordingly, The petitioner, *Baidya Singh @ Baidyanath Singh*, shall be released on bail upon furnishing a bond of Rs.10,000 /- (Rupees Ten Thousand), with two sureties of like amount, one of whom must be local, to the satisfaction of the learned Special Judge, Dakshin Dinajpur at Balurghat, subject to the condition that the petitioner shall meet the Officer-in-Charge of the concerned police station once a week and shall also attend the Court on each day of its listing. Failure to attend the Court on a solitary day without any justifiable reason shall disentitle the petitioner to the privilege of bail. It shall be open to the concerned Magistrate/Judge to cancel the bail without any further reference to this Court.

The application for bail, being CRM 11093 of 2020, is thus **allowed.**

(Harish Tandon, J)

(Tirthankar Ghosh,J.)