

05.02.2021
Court No.28
Item No. 23
Krishnendu
Bail Granted

C.R.M.11206 of 2020
(Via video Conference)

In Re:- An application for bail under section 439 of the Code of Criminal Procedure ;

And

In Re : **Pulak Shil**

Petitioner

Mr. Sayan De
Mr. Kaustav Shome

For the Petitioner

Md. Anwar Hossain
Ms. Shreyashee Biswas

For the State

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Tapan Police Station Case No. 106 of 2020 dated 12.04.2020 under sections 188/269/270 of the Indian Penal Code read with sections 21(C)/22(C)/23(C)/27(A) of the N. D.P.S. Act (Special Case No. 26 of 2020)

The learned advocate appearing for the petitioner submits that the petitioner is in custody for 298 days and earlier his application for bail was rejected as no documents could be produced before the Court regarding the registration certificate of the vehicle. Additionally, the learned advocate submits that another accused person from whose possession the contraband was seized, is in custody and an assistant of the principal accused, who fled away according to the prosecution case, has been granted bail.

Earlier by an order dated 29th January, 2021, we directed the learned advocate appearing for the State to ascertain from the Investigating Officer of the concerned Police Station regarding the genuinity of the said registration certificate and to file a report before this Court. Accordingly, a report has been submitted by the Investigating Officer of the case today. Let the same be kept with the record.

Mr. Hossain, learned advocate appearing for the State submits that the registered owner of the vehicle is one Ranjan Karmakar, who has narrated that he had earlier sold the vehicle, being no. WB-73F 1166, to the present petitioner. The learned advocate additionally submits that it is from the statement of the accused, who is in custody, the present petitioner's name appears.

Having regard to the fact that the petitioner is in custody for 298 days and charge sheet has already been submitted and the material presently appearing against the petitioner is only a statement of the co-accused and no documentary evidence has been collected to establish the relationship of the present petitioner with the offending vehicle, we are of the opinion that further detention of the petitioner is not necessary. As such, prayer for bail of the petitioner is allowed.

Accordingly, we direct that the petitioner, namely, **Pulak Shil**, 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 Judge, Special

Court under N.D.P.S. Act at Balurghat, Dakshin Dinajpur. After the petitioner being released on bail, he shall not leave the jurisdiction of the Tapan Police Station except for the purpose of attending the Court proceedings. The petitioner shall meet with the Officer-in-Charge of the concerned Police Station once a week until further orders.

With the aforesaid observations, the application for bail, being CRM No. 11206 of 2020, is disposed of.

(Tirthankar Ghosh, J)

(Tapabrata Chakraborty, J)