

27.
23-09-2024
(ct. no.28)
debajyoti
(allowed)

CRM (NDPS) 1339 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure/483 of the Bhartiya Nagarik Suraksha Sanhita in connection with Behrampur Police Station Case No.811 of 2023 dated 20-06-2023 under Sections 21(C) and 29 of the Narcotic Drugs and Psychotropic Substances Act.

- A n d -

In the matter of : Sujit Sarkar

.... Petitioner.

Mr. Sekhar Kumar Basu, Sr. Adv.,
Mr. Partha Chakraborty,
Mr. Muhammad Obaid

... For the Petitioner.

Ms. Sonali Das,
Mr. Soumyadip Saha

... For the State.

Dictated by Arijit Banerjee, J.

The petitioner says that there was no recovery of contraband items from him. The sole basis of implicating him is that his SIM card was allegedly used to make phone calls to the accused persons. He is in custody for 2 months. Investigation is complete. He prays for bail.

Opposing the prayer, learned State advocate points out that the petitioner's prayer for anticipatory bail was rejected on May 03, 2024. There are call records which would show calls being made using the petitioner's SIM card to one of the accused persons. Charge has also been framed.

Considering that there was no recovery from the petitioner and that he was implicated on the basis of statement made by co-accused, we are of the view that he has been able to rebut the restrictions in Section 37 of the NDPS

Act. Further, investigation is complete. In our view, further custodial detention of the petitioner is unnecessary.

Accordingly, we direct that the petitioner, namely, **Sujit Sarkar**, shall be released on bail upon furnishing a bond of Rs.25,000/- (Rupees Twenty Five Thousand), with two local sureties of like amount each, one of whom must be local, to the satisfaction of learned Judge, Special Court under NDPS Act-cum-Additional District Judge, 5th Court, Berhampore, Murshidabad. The petitioner shall appear before the trial Court on every date of hearing and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever. The petitioner shall remain within the jurisdiction of local police station and shall report to the Officer-in-Charge/Inspector-in-Charge of the said police station once in a week, until further orders and shall not leave the jurisdiction of the district Murshidabad.

In the event the petitioner fails to comply with any of the conditions stipulated above, the trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

The application for bail being CRM (NDPS) 1339 of 2024 is, thus, **allowed**.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

Criminal Section is directed to supply certified copies of this order to the parties, if applied for, upon compliance of all necessary formalities.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)