

09 21.09.2020
rkd Ct. no.16
(Allowed)

**C.R.M. 6564 of 2020
(IA NO:CRAN 1 of 2020)
(Through Video Conference)**

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Jalangi** P.S. Case No. **21 of 2019** dated **06/01/2019** under Sections **21(c)/29** of the NDPS Act.

And

In the matter of: Junaf Mondal @ Masadul

....petitioner.

Mr. A. Chatterjee

...for the petitioner.

Mr. B. Panda,
Ms. P. Saha

...for the State.

Petitioner undertakes to affirm and stamp the petition/application as per Rules within a month of resumption of normal functioning of the Court. Subject to such undertaking, the application is taken up for hearing through video conference.

Accordingly, the application being CRAN 1 of 2020 is disposed of.

Having considered the materials in the case diary and bearing in mind the nature of allegations and in view of the fact that no narcotic substance was recovered from his possession and as his complicity has transpired from the statement of co-accused person before a police officer which is inadmissible in evidence, we are of the opinion that petitioner has been able to rebut the statutory restrictions under Section 37 of the NDPS Act and keeping in mind the period of detention suffered by the petitioner, we are inclined to grant bail to the petitioner.

Accordingly, the petitioner is directed to 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 NDPS Act, Murshidabad at Berhampore subject to the condition that during bail he shall appear before the learned trial court regularly till disposal of the trial and he shall not intimidate witnesses or tamper with evidence in any manner whatsoever or commit similar offences in future.

In the event the petitioner fails to comply with the conditions as enshrined hereinbefore, it is open to the trial court to cancel the bail without any further reference to this Court.

The application for bail is, thus, disposed of.

(Kausik Chanda, J.)

(Joymalya Bagchi, J.)