

05.10.2020

Item No.18

Dc/Aj.

Allowed

C.R.M. 7478 of 2020

C.R.A.N. 1 of 2020

(Through Video Conference)

In Re : An Application for bail under Section 439 of the Code of Criminal Procedure in connection with Raninagar Police Station Case No. 166 of 2020 dated 26.04.2020 arising out of NDPS Case No. 107 of 2020 under Sections 21(c)/29 of the Narcotic Drugs and Psychotropic Substances Act.

And

In the matter of : Rana Mondal @ Mandal.

... Petitioner.

Mr. Mrityunjoy Chatterjee,

Mr. G.N. Imrohi.

... For the Petitioner.

Mr. Tanmay Kumar Ghosh,

Mr. Arindam Sen.

... For the State.

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

The learned advocate for the petitioner submits that the petitioner is in custody for about 80 days and there has been no seizure effected from the possession of the present petitioner and he has been implicated solely on the statement of the co-accused.

The learned advocate for the State produces the memorandum of evidence and submits that the seizure list so relied upon by the investigating agency till date reflects that seizure was effected from two other accused persons

and there has been no seizure of contraband from the possession of the present petitioner.

We have perused the seizure list and considering the fact that the present petitioner is implicated on the basis of the statement of the co-accused, we are of the opinion that the petitioner has been able to overcome the rigors of Section 37 of the NDPS Act. Hence, we are inclined to release the petitioner on bail.

Accordingly, the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand only), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Judge, Special Court, NDPS Act, Berhampore, Murshidabad subject to the condition that the petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses and/or tamper with evidence in any manner whatsoever and on further condition that the petitioner, while on bail, shall meet the Officer-in-Charge of Raninagar Police Station once in a fortnight.

The trial court is directed to see that if the petitioner is absent on any flimsy ground and the trial of the case is impeded or the petitioner creates any obstruction in the progress of the trial, then the trial court shall be at liberty to cancel the bail of the petitioner in accordance with law without further reference to this Court.

CRM 7478 of 2020 and CRAN 1 of 2020 are disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance with the necessary formalities.

(Tirthankar Ghosh, J.)

(Subrata Talukdar, J.)