

C.R.M. 9710 of 2020
(Through Video Conference)

In the matter of : An application for bail under section 439 of the Code of Criminal Procedure in connection with Kumarganj P.S. Case No. 219 of 2019 dated 25.11.2019 under sections 21/22/23 of the Narcotic Drugs and Psychotropic Substances Act.

And

In the matter of : Mokshudul Molla @ Moksedul Molla

Ms. Jeenia Rudra

... ... for the petitioner

Mr. Panda

Mr. S. Bhakat

... ... for the State

Statements of witnesses do not disclose recovery of narcotic substance from the petitioner. In view of the extent of complicity of the petitioner in the alleged crime which has transpired from statement of co-accused before police officer which is inadmissible in evidence and in view of the period of detention suffered by the petitioner, we are of the opinion petitioner has been able to rebut the statutory restrictions under section 37 of the NDPS Act and he may be granted bail.

Accordingly, the petitioner 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 NDPS Act, Dakshin Dinajpur 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 or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to do so without justifiable cause, 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 is, thus, allowed.

The parties shall act in terms of the copy of the order downloaded from the official website of this court.

(Suvra Ghosh, J.)

(Joymalya Bagchi, J.)