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CRM 9912 of 2020
(Via Video Conference)

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with Raninagar P.S. Case No.153 of 2020 dated 29.03.2020 under Sections 21(c)/29 of the NDPS Act.

And

In the matter of: Gopen Mondal

....Petitioner.

Mr. Niladri Sekhar Ghosh
Ms. S. Mukherjee

...for the Petitioner.

Mr. N. Ahmed
Ms. Amita Gaur

...for the State.

Having considered the materials on record and keeping in mind the extent of complicity of the petitioner in the alleged crime and as no narcotic substance was recovered from his possession and his complicity in the alleged crime had transpired from the statement of co-accused 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 in view of the period of detention, that is, 72 days suffered by him, we are inclined to grant bail to the petitioner.

Accordingly we direct that 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 under NDPS, Berhampore, Murshidabad subject to condition that the petitioners shall

appear before the trial court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

In the event the petitioner fail to appear before the trial court 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, accordingly, allowed.

(Suvra Ghosh, J.)

(Joymalya Bagchi, J.)