

15.12.2020.
51.
as
(Allowed)

C.R.M. 10369 of 2020

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Special Case No.12 of 2017 arising out of Hili P. S. Case No.34 of 2017 dated 07.02.2017 under Sections 411/414 of the Indian penal Code and Sections 21(C)/22 (C)/23(C) of the N.D.P.S. Act.

In the matter of : Mithun Mondal.

.... Petitioner.

Mr. Kaushik Choudhury,
Ms. B. Khatoon.

...for the Petitioner.

Mr. Sanjoy Bardhan,
Mr. Saryati Dutta.

...for the State.

Heard the learned Counsels appearing on behalf of the parties.

It is submitted on behalf of the petitioner that no narcotic substance was recovered from his possession.

Learned Advocate appearing for the State opposes the prayer for bail.

We have considered the materials on record. No narcotic substance was recovered from the possession of the petitioner. In view of the extent of complicity of the petitioner in the alleged crime which has arisen from the statement of a co-accused which is inadmissible in evidence, we are of the opinion that the petitioner has been able to rebut the statutory

restrictions under Section 37 of the N. D. P. S. 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 Special Judge under N.D.P.S. Act, Dakshin Dinajpur subject to 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 appear before the Trial Court without any 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, being C.R.M.10369 of 2020, is disposed of.

(Suvra Ghosh,J.)

(Joymalya Bagchi, J.)