

24.02.2021
Court No.28
b.das /32

CRM 586 of 2021
(Via video Conference)

In Re:- An application for bail under section 439 of the Code of Criminal Procedure filed in connection with Murshidabad Police Station Case No.443 of 2019 dated 21.08.2019 under Sections 21(C)/29 of the NDPS Act.

And

In Re : **Shibu Mondal**

...Petitioner.

Mr. A. A. Alamgir ... for the petitioner.

Mr. Saryati Dutta

... for the State.

Learned advocate for the petitioner submits that the petitioner is in custody for 550 days and in spite of charge-sheet being submitted there is no progress in the case.

The petitioner also submits that there is no recovery from the present petitioner but he is in custody upon the statement of the co-accused.

Mr. Dutta, learned advocate for the State submits that he is unable to rebut the contention of the learned advocate for the petitioner and submits that 21kg. 400 gms. of contraband was seized from the possession of the co-accused.

Having considered the materials, the case diary, the seizure list we are of the opinion that the petitioner has been able to rebut the rigours of Section 37 of the NDPS Act and as such his prayer for bail is accordingly allowed.

Accordingly, we direct that the petitioner, namely, **Shibu Mondal** shall be released on bail upon furnishing a bond of `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, Murshidabad at Berhampore subject to a further condition that the petitioner shall appear before the trial court on the dates specified for hearing.

The petitioner shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

It is also made clear that in the event the petitioner fails to comply with the conditions, as stated hereinabove, without any justifiable reasons, it would be open to the learned Trial Court to cancel the petitioner's bail without further reference to this Court.

With the aforesaid observations, the application for bail, being CRM 586 of 2021, is disposed of.

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)