

25.03.2021

Court No.28
Avijit / 123

CRM 1347 of 2021 (through video Conference)

In Re:- An application for bail under section 439 of the Code of Criminal Procedure filed in connection with Jalangi Police Station Case No.21 of 2019 dated 06.01.2019 under Sections 21(c)/29 of the Narcotic Drugs and Psychotropic Substances Act;

And

In Re : Imajuddin Mondal

.... Petitioner

Mr. Arnab Chatterjee,

Mr. Amanul Islam,

Mr. Sourav Mukherjee

...for the petitioner

Mr. Binay Panda,

Mr. S. Bhakat

...for the State

Learned advocate appearing for the petitioner submits that petitioner is in custody since January, 2021 and he has been falsely implicated on the basis of a statement of a co-accused and the investigating agency could not recover any incriminating material from the petitioner.

Learned advocate appearing for the State opposes the petitioner's prayer and submits that 9 litres of codeine mixture is the subject matter of this case. Further on the query of this Court he submits that the recovery was made from one Ukil Mondal and the petitioner has been implicated on the basis of a statement of the said accused.

We have perused the materials on record including the seizure list and having regard to the fact that the petitioner has been implicated on the basis of a statement of the co-accused, which is inadmissible in evidence, we are of the opinion that the

petitioner has been able to overcome the rigors of section 37 of the N.D.P.S. Act and as such he is entitled to the relief. Thus, the prayer for bail of the petitioner is allowed.

Accordingly, we direct that the petitioner, namely, **Imajuddin 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 Additional District Judge, 5th Court under N.D.P.S. Act, Murshidabad at Berhampore and on a further condition that he shall meet with the Officer-in-Charge, Jalangi Police Station once a week until further orders.

While on bail, the petitioner shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

It is made clear that in the event the petitioner fails to comply with any of the aforesaid directions, without justifiable cause, the learned trial court shall be at liberty to cancel the petitioner's bail, without any further reference to this Court.

The application for bail being C.R.M. No.1347 of 2021 is, accordingly, disposed of.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Tirthankar Ghosh, J)

(Tapabrata Chakraborty, J)

