

16.08.2021
Item no. 30
Court No.32.
S.De.
(Allowed)

(Via Video Conference)

CRM 2263 of 2021

In Re: An application for Bail under Section 439 of the Code of Criminal Procedure filed on 26.02.2021 in connection with N.D.P.S. Case No.106 of 2019 arising out of Hogalberia Police Station Case No. 234 of 2019 dated 05.12.2019 under Sections 21(c)/20(b)(ii)A/29 of the N.D.P.S. Act.

And

In the matter of : Ashit Mondal & Ors.

.....Petitioners.

Mr. Debarshi Brahma, Advocate,

.....for the Petitioners.

Mr. S.S. Imam, Advocate,
Mr. S. Kundu, Advocate,

.....for the State.

3kgs of ganja and 55 bottles of phensedyl were seized from co-accused persons.

The State says that nothing was recovered from the possession of the petitioners. The petitioners' names came into light from the statement made by the co-accused persons.

In view of the aforesaid, the restriction in Section 37 of the N.D.P.S. Act would not be attracted.

We have considered the material on record and statements of witnesses recorded under Section 161 of the

Code of Criminal Procedure. The petitioners have been in custody for 610 days. Charge sheet has been submitted.

In view of the aforesaid, we are inclined to hold that the petitioners' prayer may be allowed.

Accordingly, we direct that the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/- each with two sureties of like amount each, one of whom must be local, to the satisfaction of the Special Judge, N.D.P.S. Act, Krishnagar, Nadia and on further conditions that they shall remain within the jurisdiction of the concerned police station and he shall report to the Officer-in-Charge of the concerned police station once in a fortnight until further orders. 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 petitioners fail to adhere to any of the conditions stipulated above without justifiable cause, the trial court shall be at liberty to cancel the petitioners' bail in accordance with law without further reference to this Court.

The application for bail is, accordingly, allowed.

All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Suvra Ghosh, J.)

(Arijit Banerjee, J.)