

CRM No.3785 of 2021
(Via video conference)

03.06.21
(S.R.)
Sl.48
Ct.28

In re: An application for bail under Section 439 of the Code of Criminal Procedure filed in connection with **Raninagar** Police Station Case **No.166 of 2020** dated **26.04.2020** under Sections **21(c)/29** of the Narcotic Drugs and Psychotropic Substances Act;

And

In re: Tipie Mondal @ Tippe Mondal @ Shrimanta Mandol
... petitioner.

Mr. Topodip Gupta ... for the petitioner.

Mr. Saibal Bapuli
Mr. Arijit Ganguly
Mr. Sanjib Kumar Dan ...for the State.

Mr. Gupta, learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated. The alleged incident occurred on 26th April, 2020 and the petitioner was arrested on 6th January, 2021. The petitioner's name has transpired on the basis of the statement of a co-accused person and there had been no recovery of contraband substance from the possession of the petitioner. Upon completion of investigation charge sheet has also been filed and as such, further detention of the petitioner, who is in custody since 6th January, 2021, is not necessary.

Mr. Bapuli, learned advocate appearing for the State opposes the petitioner's prayer. He, however, could not dispute the fact that there had been no recovery of contraband substance from the possession of the petitioner.

It appears that there had been no recovery of contraband substance from the possession of the petitioner and his name has transpired on the basis of the statement of a co-accused person before a police officer, which is inadmissible in evidence and in view thereof,

we are of the opinion that the rigours of Section 37 of the NDPS Act are not attracted.

Accordingly, the petitioner, namely, **Tipie Mondal @ Tippe Mondal @ Shrimanta Mandol**, 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 the NDPS Act, **Berhampore, Murshidabad**.

The petitioner shall meet with the officer-in-charge of the **Raninagar** police station once in a week on and from 8th June, 2021 until further orders.

The petitioner shall attend the learned trial court on all the dates as specified for hearing.

In the event the petitioner fails to comply with the aforesaid directions, without justifiable cause, the trial court shall be at liberty to cancel the petitioner's bail without any further reference to this Court.

Accordingly, the application for bail being CRM No.3785 of 2021 is disposed of.

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

(Shampa Sarkar, J.)

(Tapabrata Chakraborty, J.)