

CRM 4427 of 2021

In re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with Matia Police Station Case No.64 of 2021 dated 28-02-2021 under Sections 21(b)/27(A) of the N.D.P.S. Act.

- A n d -

In the matter of : Mohidul Mondal

.... Petitioner.

Mr. Kamalesh Chandra Saha

... For the Petitioner.

Mr. Sanjoy Bardhan,
Mr. Nirupam Dhali,
Mr. Palash Chandra Majhi

... For the State.

The petitioner says that there are several lacunae in the seizure lists that the State has prepared. If one compares the seizure lists, it will appear that there are several inconsistencies.

We are told that about 79 gms. of heroine was recovered from the possession of the petitioner and other accused persons. This is intermediate quantity. Further, *prima facie* there does not appear to be any material on record which would support the charge under Section 27(A) of the NDPS Act. Accordingly, the restrictions in Section 37 of the NDPS Act would not be attracted.

We have considered the material in the Case Diary. On an overall assessment of the material on record and the possible extent of complicity of the petitioner in the alleged offence and keeping in view the fact that the petitioner is in custody for about 180 days and the charge-sheet has already been submitted, we are of the view that the petitioner's prayer for bail may be allowed.

Accordingly, we direct that the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of like amount each, one of whom must be local, to the satisfaction of learned Special Judge (NDPS Act), 6th A.D.J., Barasat, North 24-Parganas. The petitioner 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. The petitioner shall remain within the jurisdiction of the local police station and shall report to the Officer-in-Charge of the said police station once every fortnight.

In the event the petitioner fails to adhere to any of the conditions stipulated above without 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 for bail being CRM 4427 of 2021 is, thus, **allowed**.

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

(**Suvra Ghosh, J.)**

(**Arijit Banerjee, J.)**