

CRM 4566 of 2021

In re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with Hogalberia Police Station Case No.159 of 2019 dated 09-09-2019 under Sections 188/353/34 of the Indian Penal Code and Section 21 (c) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

- A n d -

In the matter of : Nelon Mondal alias Lelin alias Rejabul Mondal alias Lalon alias Rijabul alias Rajibul
.... Petitioner.

Mr. Angshuman Chakraborty
... For the Petitioner.

Mr. Sudip Ghosh,
Mr. Bitasok Banerjee
... For the State.

No contraband item was recovered from the petitioner. He has been implicated on the basis of the statements of co-accused persons. He has been in custody for about one year and four months.

Since there was no recovery from the petitioner, the restrictions in Section 37 of the NDPS Act would not be attracted.

We have seen the material in the Case Diary. *Prima facie*, that does not implicate the petitioner. Further, the petitioner has been in custody for quite some time. We are, therefore, of the view that further custodial detention of the petitioner is not necessary and he may be enlarged on bail.

Accordingly, we direct that the petitioner, namely, **Nelon Mondal alias Lelin alias Rejabul Mondal alias Lalon alias Rijabul alias Rajibul**, 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 under NDPS Act, Nadia at Krishnagar. 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 4566 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.

(**Bivas Pattanayak, J.)**

(**Arijit Banerjee, J.)**