

31.08.2021
Item no. 76
Court No.32.
S.De.
(Allowed)

(Via Video Conference)

CRM 4601 of 2021

In Re: An application for Bail under Section 439 of the Code of Criminal Procedure filed on 07.07.2021 in connection with Mogra Police Station Case No. 195 of 2019 dated 13.08.2019 under Sections 20(b)(ii)(C) of the N.D.P.S. Act.

And

In the matter of : Sujoy Mondal.

.....Petitioner.

Ms. Sibangi Chattopadhyay, Advocate,
Mr. Sobhan Biswas, Advocate,

.....for the Petitioner.

Mr. Swapan Banerjee, Advocate,
Ms. Purnima Ghosh, Advocate,

.....for the State.

The petitioner is one of several accused persons. No recovery of contraband item was made from the petitioner. His name has transpired from statements made by co-accused persons from whom commercial quantity of ganja was recovered.

In view of there being no recovery from the petitioner, the restriction in Section 37 of the N.D.P.S. Act would not be attracted.

We have seen the material in the case diary. We have assessed the possible complicity of the petitioner in the

alleged offence. The petitioner is in custody for about 200 days. Charge-sheet has been submitted.

On an overall assessment of the facts and circumstances of the case and the material on record, we are of the view that further custodial detention of the petitioner is not necessary.

Accordingly, we direct that the petitioner 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 Judge, Special Court under the N.D.P.S. Act at Hooghly and on further conditions that he 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 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.

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 the petitioner's 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.

(Bivas Pattanayak, J.)

(Arijit Banerjee, J.)