

CRM 4692 of 2021

In re : An application under Section 439 of the Code of Criminal Procedure, 1973 in connection with Berhampore Police Station Case No. 245/2021 dated 10.03.2021 under Sections 22(C)/29 of the Narcotic Drugs and Psychotropic Substances Act.

In the matter of : **Monijul Sk @ Maniju Sk & Anr.**

..... petitioners

Ms. Minoti Gomes

....For the petitioners

Mr. Ranadeb Sengupta

....For the State

There was no recovery of contraband items from the petitioners. Hence, the restriction under Section 37 of the NDPS Act would not be attracted.

The State says that the co-accused persons in their statements have said that the contraband items which were seized from them was meant for being delivered to the petitioners. On that basis, the petitioners have been implicated.

The petitioners say that they are in custody for about 192 days. Charge-sheet has been submitted.

On an overall consideration of the materials in the case diary and the possible extent of complicity of the petitioners in the alleged offence, we are of the view that further custodial detention of the petitioners is not necessary.

Accordingly, we direct that the petitioners, namely, **Monijul Sk @ Maniju Sk** and **Jhuran Sk @ Juran Sk**, 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 learned Judge, Special Court under the NDPS Act, Berhampore, Murshidabad and on further conditions that

they shall not leave the jurisdiction of the concerned police station and 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 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 upon the server copy of this order duly downloaded from the official website of this Court.

(Bivas Pattanayak, J.)

(Arijit Banerjee, J.)