

17.11.2021

Court No.28
Item No.42
(ALLOWED)

Saswata

CRM 4918 of 2021

In Re:- An application for bail under section 439 of the Code of Criminal Procedure filed in connection with Hili Police Station Case No. 19 of 2020 dated 04.02.2020 under Sections 21(c)/22(c)/23(c)/27A of the NDPS Act;
And

In the matter of : **Anisur Mondal @ Ansur Mondal**
...Petitioner.

Ms. Busra Khatun

...For the Petitioner

Mr. Sanjay Bardhan

Mr. Palash Chandra Majhi

... For the State

The petitioner has filed the instant application for bail under Section 439 of the Code of Criminal Procedure in connection with Hili Police Station Case No. 19 of 2020 under Sections 21(c)/22(c)/23(c)/27A of the NDPS Act.

The learned advocate for the petitioner submits that although 1200 bottles of phensedyl were recovered at the instance of the investigating agency but the present petitioner has been implicated on the basis of the statement of the co accused.

The learned advocate appearing for the State produces the memorandum of evidence and concedes to the submission made by the learned advocate for the petitioner that there has been no recovery from the possession of the present petitioner.

In view of the aforesaid submission, we are of the opinion that the petitioner has been able to overcome the rigor of Section 37 of the N.D.P.S. Act and as such, further detention of the petitioner is not necessary and the petitioner is entitled to bail.

Accordingly, the petitioner is directed to be released on bail upon furnishing a Bond of ₹10,000/- (Rupees Ten Thousand only) with two sureties of like amount each, to the satisfaction of Learned Judge,

Special Court under the N.D.P.S Act subject to the condition that during bail he shall appear before the learned Trial Court regularly and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to do so without any justifiable cause, the Trial Court shall be at liberty to pass necessary order in accordance with law without any further reference to this Court.

Accordingly, the prayer for bail is ***allowed***.

The application for bail being CRM 4918 of 2021 is accordingly ***disposed***.

(Harish Tandon, J)

(Rabindranath Samanta,J.)