

CRM 5747 of 2021

In re: An application for anticipatory bail under Section 439 of the Code of Criminal Procedure in connection with Chakdaha Police Station Case No.389 of 2018 dated 05-12-2018 under Sections 20(b)/21(C)/25/29 of NDPS Act and Sections 419/468/471/120B of the Indian Penal Code.

- A n d -

In the matter of : Ram Mondal

.... Petitioner.

Ms. Karabi Roy

... For the Petitioner.

Mr. Saswata Gopal Mukherji, learned Public Prosecutor,
Ms. Faria Hossain,
Mr. Aniket Mitra

... For the State.

It is submitted by learned counsel for the petitioner that the petitioner is in custody for about 193 days. It is further submitted that the petitioner was not present at the locale where the contraband articles were seized.

By placing reliance on two coordinate Bench judgments of this Court, rendered respectively in CRM 11749 of 2019 and CRM 2957 of 2021, the petitioner contends that no arrest ought to have been made on the basis of charges levelled against the co-accused. It is already on record that the petitioner was arrested subsequently, although not present at the site of seizure, on the basis of statements of co-accused, which *ipso facto* is insufficient to indict a person. As such, keeping in view the above fact as well as the long period of custody already suffered by the petitioner, the application for bail is allowed, more so, since Section 37 of the NDPS Act is not attracted as there was no recovery from the petitioner. The conditions on which the bail is being granted are –

(i) the petitioner, namely, **Ram Mondal**, shall furnish 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 Judge, Special Court under NDPS Act, Krishnagar, Nadia.

(ii) the petitioner shall not leave the jurisdiction of the concerned police station while on bail, except for the purpose of attending the concerned court below on the relevant dates of trial and shall report to the Officer-in-Charge of the concerned police station once in a fortnight.

(iii) the petitioner shall attend the hearing on each and every date when the trial commences. Further, the petitioner shall not issue any promise or inducement or threat to any person acquainted with the facts and circumstances of the case so as to dissuade such person from disclosing any fact before any police officer and/or tamper with evidence in the meantime.

In the event the petitioner fails to adhere to any of the conditions stipulated above, the learned Court below will be at liberty to cancel the bail without any further reference to this Court.

The application for bail being CRM 5747 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.) (Sabyasachi Bhattacharyya, J.)**