

29. 07.10.2021
Ct.32
Tanmoy
Allowed

C.R.M. 5838 of 2021

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on **31/08/2021** in connection with **Case No. N-80 of 2021** arising out of **Bongaon Police Station Case No. 458 of 2021** dated **16/06/2021** under Section **20(b)(ii)(B)** of the N.D.P.S. Act, 1985.

And

In the matter of: - **Asit @ Ashit Mondal**

....petitioner.

Mr. Uday Shankar Chattopadhyay,
Mr. Santanu Maji,
Mr. Arup Palit

...for the petitioner.

Mr. Swapan Banerjee,
Mr. Shiladitya Banerjee

...for the State.

About 04 Kgs. of *ganja* (intermediate quantity) was seized from the petitioner. In view of intermediate quantity of contraband item being involved, the statutory restrictions in Section 37 of the Narcotic Drugs and Psychotropic Substances Act, 1985 would not be attracted.

We have seen the material in the Case Diary. *Prima facie* the petitioner may have an arguable case for acquittal. Charge-sheet has been submitted. The petitioner is in custody for 111 days.

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

Accordingly, we direct that the petitioner *viz.*, **Asit @ Ashit Mondal** 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 learned Judge, Special Court under N.D.P.S. Act, Barasat, North 24-Parganas, on condition that the petitioner shall appear before the trial Court on every date of hearing and shall meet the Officer-in-Charge of the Police Station within the jurisdiction of which he resides once every fortnight until further orders and shall not leave the district without leave of the Officer-in-Charge. The petitioner shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever and on further condition that the petitioner shall not commit any cognizable offence in future.

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 being C.R.M. 5838 of 2021 is, accordingly, disposed of.

All parties shall act in terms of server copy of this order downloaded from the official website of this Court.

(Bivas Pattanayak, J.)

(Arijit Banerjee, J.)