

36. 28.09.2021
Ct.32
Tanmoy
Allowed

C.R.M. 6246 of 2021

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on **20/09/2021** in connection with **N.D.P.S. Case No. 108/2021** arising out of **Nowda Police Station Case No. 131/2021** dated **12/06/2021** under Sections **21(b)/29** of the N.D.P.S. Act, 1985.

And

In the matter of: - **Provakar Mondal @ Prabhakar Mondal @ Moru @ Pravakar Mondal & Anr.**

....petitioners.

Mr. Somnath Adhikary

...for the petitioners.

Mr. Sudip Ghosh,
Mr. Apurba Kumar Datta

...for the State.

The allegation is that 10 Grams of heroin was recovered from the joint possession of the petitioners. The said amount being intermediate quantity, 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. The petitioners say that they have been falsely implicated.

On an overall assessment of the material on record and given the fact that charge-sheet has been submitted and that the petitioners have been in custody for 109 days, we are of the view that further custodial detention of the petitioners is not necessary.

Accordingly, we direct that the petitioners *viz.*, **1. Provakar Mondal @ Prabhakar Mondal @ Moru @ Pravakar Mondal, 2. Sourav Biswas @ Buro** 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 learned Judge, Special Court under N.D.P.S. Act- cum- ADJ, 5th Court, Berhampore, Murshidabad, on condition that the petitioners 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 they reside once every fortnight until further orders and shall not leave the district without leave of the Officer-in-Charge. The petitioners shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever and shall not commit similar offence in future.

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 being C.R.M. 6246 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.)