

21.12.2021

Court No.32
rpan/**242**

CRM 6250 of 2021

In Re:- An application for bail under section 439 of the Code of Criminal Procedure ;

And

In Re : **Sukumar Mondal**

- Petitioner

Mr. Aniruddha Bhattacharyya
... for the Petitioner.

Mr. Swapan Banerjee,
Mr. Suman de
... for the State.

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Ranitala Police Station Case no.323 of 2019 dated 07.06.2019 under Section 21(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (as amended till date).

Heard Mr. Bhattacharyya, learned advocate appearing for the petitioner and Mr. Banerjee, learned advocate appearing for the State.

Answering a query of this Court, Mr. Banerjee submits that the petitioner does not have any criminal antecedent pertaining to narcotic cases. Let the memo, as produced by Mr. Banerjee, be kept on record.

It appears that no contraband substance above commercial quantity was recovered from the possession of the petitioner and that his name has transpired on the basis of the statement of a co-accused person. In view thereof, we are of the opinion that the

rigours of Section 37 of the NDPS Act are not attracted and as such, further detention of the petitioner, who is in custody for more than 290 days, is not necessary, more so when, he does not have any criminal antecedents pertaining to narcotic cases.

Accordingly, we allow this application and direct that the petitioner, namely, **Sukumar 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 a local, to the satisfaction of the learned Judge, Special Court under N.D.P.S. Act, Berhampore, Murshidabad, on condition that the petitioner shall meet with the Officer-in-charge, Ranitala Police Station once a week on and from 28th December, 2021 until further orders.

It is further directed that the petitioner shall attend the learned court below on the dates specified for hearing and shall not tamper with the evidence and/or intimidate the witnesses in any manner whatsoever.

In the event the petitioner fails to comply with the aforesaid directions, without any justifiable cause, the learned court below shall be at liberty to cancel his bail, in accordance with law, without further reference to this Court.

With the aforesaid observations, the application for bail, being CRM No.6250 of 2021, is disposed of.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Sugato Majumdar, J.)

(Tapabrata Chakraborty, J)