

01.12.2021
Item no.19
Court No.32
Avijit Mitra

C.R.M. 6465 of 2021

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

And

In Re : Mitul Mondal @ Mithul Mondal

.... petitioner

Ms. Minoti Gomes

....for the petitioner

Mr. Ranobir Roy Chowdhury,

Mr. Mainak Gupta

..... for the State

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Jalangi Police Station Case No. 666 of 2019 dated 22.09.2019 under sections 186/188/289/379/411/414/34 of the Indian Penal Code and Section 11 of Prevention of Cruelty to the Animal Act and Sections 21(c)/29 of the Narcotic Drugs and Psychotropic Substances Act.

Heard learned advocates appearing for the respective parties and considered the materials in the case diary. It appears that contraband substance above commercial quantity was not recovered from the possession of the petitioner and his name has transpired on the basis of a statement of a co-accused person. In view thereof the rigors of Section 37 of the N.D.P.S. Act are not attracted and since the co-accused persons, similarly situated with the petitioner, had also been enlarged on bail, we are of the opinion that further detention of the petitioner, who is in custody for about 82 days, is not warranted.

Accordingly, we allow this application and direct that the petitioner, namely, **Mitul Mondal @ Mithul 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. The petitioner shall also attend the learned trial court on all the dates, as specified for hearing.

The petitioner shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

It is made clear that in the event the petitioner fails to comply with the aforesaid directions without any justifiable cause, the learned trial court would be at liberty to cancel the petitioner's bail without any further reference to this Court.

The application for bail being C.R.M. 6465 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.)