

93
(AD/
KC)

10.12.2021

Court No.28

(Allowed)

C.R.M. 6733 of 2021
(Via Video Conference)

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Hili** P.S. Case No.**34 of 2017** dated **07/02/2017** under Sections **411/414** of the Indian Penal Code, 1860 and Sections **21(C)/22(C)/23(C)** of the Narcotic Drugs and Psychotropic Substances Act.

And

In the matter of: Lathib Mandal @ Babu @ Natib Ali Mondal
....petitioner.

Ms. Busra Khatoon

...for the petitioner.

Mr. Madhusudan Sur
Mr. M. Mahata

... for the State.

Petitioner is in custody for 137 days. It is contended that no narcotic substance was recovered from the possession of the petitioner.

Learned lawyer for the State opposes the prayer for bail and submits that the petitioner and the co-accused persons were dealing in narcotic substances.

We have considered the materials on record. No narcotic substance was recovered from the possession of the petitioner. His complicity has transpired from the statement of the co-accused before police officer, which is inadmissible in evidence.

Under such circumstances, we are of the opinion that the petitioner is able to rebut the restrictions under Section 37 of the NDPS Act and he may be granted bail.

Accordingly, the petitioner 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

the Learned Judge, Special Court under NDPS Act, Balurghat, Dakshin Dinajpur on condition that the petitioner shall appear before the trial court on every date of hearing and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event he fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this Court.

The application for bail is disposed of.

(Bivas Pattanayak, J.)

(Joymalya Bagchi, J.)