

23.11.2021

639

Ct. No. 29

KAUSHIK

Allowed

C.R.M. 7330 of 2021

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Jalangi** Police Station Case No. **04** of **2021** dated **04.01.2021** under Sections 21(c)/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

And

In Re : Abbass Mondal @ Khairulla Mondal

..... petitioner

Mr. Jishan Iqbal Hossain

.....for the petitioner

Mr. Sanjoy Bardhan

Ms. Baisakhi Chatterjee

....for the State

Petitioner seeks bail.

Learned advocate appearing for the petitioner submits that, the petitioner was falsely implicated. No contraband was recovered from the possession of the petitioner. The police submitted charge-sheet.

Learned advocate appearing for the State submits that, there are past criminal antecedents of the petitioner relating to Section 307 of the Indian Penal Code.

Considering the materials in the case diary and considering the fact that no contraband was recovered from the possession of the petitioner and that the petitioner was falsely implicated on the basis of a statement of a co-accused, we are of the view that the petitioner is in a position to rebut the

presumption under Section 37 of the NDPS Act, 1985. Consequently, we grant bail to the petitioner.

Accordingly, we direct that the petitioner 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 the **learned Judge, Special Court under NDPS Act, Berhampore, Murshidabad**, subject to the condition that the petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

The application for bail is, accordingly, allowed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)