

583 25.11.2021
AD Ct. No.29
(Allowed)

C.R.M. 7443 of 2021

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with NDPS Spl Case No.4/2020 arising out of **Hogalberia** P.S. Case No. **07/20** dated **13/01/2020** under Sections **21(c)/29** of the Narcotic Drugs and Psychotropic Substances Act, 1985 and Section **14** of the Foreigners Act and charge sheet submitted against the petitioner under Sections **21C/29** of the Narcotic Drugs and Psychotropic Substances Act.

And

In the matter of: Nelon Mondal alias Lelin alias Rejabul Mondal
alias Lalon alias Rijabul
....petitioner.

Mr. Angshuman Chakraborty

...for the petitioner.

Mr. Ranabir Ray Choudhury
Mr. Mainak Gupta

...for the State.

Petitioner renews the prayer for bail.

Learned Advocate appearing for the petitioner submits that considering the period of detention and considering the fact that there is hardly any prospect of trial concluding any time soon and considering the fact that no contraband was seized from the possession of the petitioner, the prayer for bail should be granted.

Learned Advocate appearing for the State opposes the prayer for grant of bail. He submits that at least on two previous occasions, the prayer was turned down by the coordinate Benches.

Considering the fact that no contraband was recovered from the possession of the petitioner and considering the fact that the case diary does not show, *prima facie*, any nexus between the petitioner and the person from whom the contraband was recovered, we are of the view that the petitioner is able to rebut the presumption under Section 37 of the NDPS Act, 1985 and considering the period of detention of the petitioner and considering

the fact that there is hardly any prospect of the trial being concluded any time soon, we grant bail to the petitioner.

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, Krishnagar, Nadia, subject to the condition that during bail he shall appear before the learned trial court regularly till disposal of the trial and he shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to comply with the conditions as enshrined hereinbefore, it is open to the trial court to cancel the bail without any further reference to this Court.

The application for bail being C.R.M. 7443 of 2021 is, thus, disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)