

23.11.2021

659

jb.

jdt.

C.R.M. 7453 of 2021

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Basirhat** Police Station Case No. **1284/2019** dated **18.11.2019** under Sections 21 (C)/29 of the Narcotic Drugs and Psychotropic Substances Act.

And

In Re : Abdul Mondal @ Abdul Ali Mondal

..... petitioner

Mr. Angshuman Chakraborty

Mr. Shashanka Shekhar Saha

.....for the petitioner

Mr. Binay Pande

Ms. Puspita Saha

Mr. Subham Bhakat

....for the State

Petitioner seeks bail.

Learned advocate appearing for the petitioner submits that, the petitioner was arrested on the basis of statement of the co-accused and that, no contraband was seized from the possession of the petitioner.

Learned advocate appearing for the State draws the attention of the Court to the contents in the case diary.

Considering the fact that no contraband was seized from the possession of the petitioner and considering the fact that, the petitioner was arrested on the basis of the statement made by the co-accused and considering the fact that, charge-sheet has already been submitted, 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, Barasat, North 24 Parganas**, 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.)