

CRM 7617 of 2021
(via video conference)

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

And

In Re : Motibul Mondal @ Motibul @ Moti
.....Petitioner

Mr. Deborshi Brahma
Ms. Pampa Dey

.....for the Petitioner

Mr. Ranabir 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 Hogalberia P.S. Case No. 159 of 2019 dated 9th September, 2019 under sections 188/353/34 of the Indian Penal Code read with 21(c) of the NDPS Act, 1985.

Heard learned advocates appearing for the respective parties and considered the materials in the case diary. It appears that no contraband substance above commercial quantity was recovered from the possession of the petitioner and his name has transpired on the basis of the statement of co-accused persons.

In view thereof, rigors of Section 37 of the NDPS Act are not attracted.

It further appears persons similarly situated with the petitioner have already been granted bail by this Court. Upon completion of investigation, charge sheet has also been submitted and as such, in our opinion, further detention of the petitioner, who is in custody for about 528 days, is not warranted.

Accordingly, we allow this application and direct that the petitioner, namely, **Motibul Mondal @ Motibul @ Moti**, 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 the NDPS Act, Nadia, Krishnagar, on further condition that the petitioner shall appear before the learned Court below on all the dates, as specified for hearing and shall not intimidate the witnesses 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 his bail without any further reference to this Court.

With the aforesaid observations, the application for bail, being CRM No. 7617 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.)