

516 29.11.2021
AD Ct. No.29
(Allowed)

C.R.M. 7626 of 2021

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with N 217/17 arising out of **Gaighata** P.S. Case No. **790 of 2017** dated **11/08/2017** under Sections **21(C)/29** of the Narcotic Drugs and Psychotropic Substances Act, 1985 and Sections **379/411** of the Indian Penal Code.

And

In the matter of: Jiarul Mondal alias Jiyarul

....petitioner.

Mr. Angshuman Chakraborty

...for the petitioner.

Mr. Tapandeb Nandy

Mr. Antarikhya Basu

...for the State.

Petitioner seeks bail.

Learned Advocate appearing for the petitioner submits that the petitioner was falsely implicated on the basis of the statement of co-accused. In any event, the co-accused from whose possession the commercial quantity of narcotics was seized were acquitted.

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

Considering the fact that the co-accused from whose possession the commercial quantity of narcotics was seized were acquitted and considering the fact that no narcotics was seized from the possession of the petitioner, we are of the view that the petitioner is able to overcome the restrictions under Section 37 of the NDPS Act, 1985. Consequently, 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, Barasat, North 24 Parganas subject to the condition that during bail he shall appear before the

learned trial court on the date fixed 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. 7626 of 2021 is, thus, disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)