

06.12.2021
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allowed

**CRM 7727 of 2021
(via video conferencing)**

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Jalangi Police Station Case No. 790 of 2019 dated 20.11.2019 under Sections 21(c)/29 of the NDPS Act.

And

In Re : Mithul Sk. @ Mitul Mondal @ Mithun Sk. petitioner

Ms. Sonali Das

.....for the petitioner

Mr. Tapandeb Nandy
M. Antarikhya Basu

..... for the State

Learned Counsel appearing for the petitioner submits that no narcotic substance was recovered from the possession of the petitioner and he has no criminal antecedent.

Learned Counsel appearing for the State opposes the prayer for bail.

We have considered the materials on record. No narcotic substance was recovered from the possession of the petitioner. His complicity transpires from the statement of co-accused before police officer which is inadmissible in evidence. In view of the aforesaid facts, we are of the opinion that the petitioner has been able to rebut the statutory restrictions under Section 37 of the NDPS Act and as he is in custody for 88 days, we are inclined in granting bail to him.

Accordingly, we direct that the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/-(Rupees Ten Thousand

Only) 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.

In the event the petitioner fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail automatically without further reference to this Court.

The application for bail is, accordingly, allowed.

(Bivas Pattanayak, J.)

(Joymalya Bagchi, J.)