

CRM No.7797 of 2021

Via video conference

20.12.21

(S.R.)

Sl.21

Ct.32

In re: An application for bail under Section 439 of the Code of Criminal Procedure filed in connection with **Serampore** Police Station Case No.13 of 2021 dated 07/02/2021 under Section 21(c) of the NDPS Act;
And

In re: Joy Mondal @ Laden

... Petitioner.

Mr. Sudip Ghosh Chowdhury

Mr. Argha Das

Mr. Abhishek Bose

... for the petitioner.

Mr. Sanjay Bardhan

Ms. Baishakhi Chatterjee

...for the State.

Mr. Ghosh Chowdhury, learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated. There had been no recovery of contraband substance above commercial quantity from the possession of the petitioner. He is languishing in custody for more than 340 days and there is also no possibility towards early conclusion of the trial. Upon completion of investigation charge sheet has also been submitted and as such, further detention is not warranted.

Mr. Bardhan, learned advocate appearing for the State has drawn our attention to several documents in the case diary. From a perusal of the case diary, we do not find that any contraband substance above commercial quantity has been recovered from the possession of the petitioner and his name has also not been stated by the co-accused persons and the other witnesses.

Prima facie, there is no material to establish any nexus of the petitioner with the alleged offence. In view thereof, we are of the opinion that the rigours of Section 37 of the NDPS Act are not attracted and as such, further detention of the petitioner is not necessary, more so when upon completion of investigation charge sheet has also been

submitted.

Accordingly, 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 Additional Sessions Judge cum Judge, Special Court, Hooghly with a further condition that the petitioner shall attend the learned trial court on all the dates specified for hearing.

It is further directed that the petitioner 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 the petitioner's bail without any further reference to this Court.

The application for bail being CRM No.7797 of 2021 is, accordingly, 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.)