

CRM No.7896 of 2021

Via video conference

20.12.21

(S.R.)

Sl.45

Ct.32

In re: An application for bail under Section 439 of the Code of Criminal Procedure filed in connection with **Hili** Police Station Case No.14 of 2021 dated 28/01/2021 under Sections 411/414/186/188/353/34 of the Indian Penal Code read with Sections 21(C)/22(C)/23(C)/27A/20(b)(ii)(c) of the NDPS Act (Special Case No.11 of 2021);

And

In re: Kuddus Mondal @ Kudduchh Mondal ... Petitioner.

Mr. Kaushik Chaudhury

Ms. Busra Khatun

... for the petitioner.

Mr. Sudip Ghosh

Mr. Bitasak Banerjee

...for the State.

Mr. Chaudhury, learned advocate appearing for the petitioner submits that the petitioner is languishing in custody for about 135 days. The petitioner's earlier application for bail was rejected on 15th September, 2021 since investigation was still in progress. No contraband substance above commercial quantity was recovered from the possession of the petitioner and his name has transpired on the basis of the statements of co-accused persons. In the said conspectus, the petitioner, who is in custody for about 135 days, may be enlarged on bail on any stringent condition.

Mr. Banerjee, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to several documents in the case diary including the statements of witnesses as recorded under Section 161 of the Code and the injury report.

Prima facie, 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 co-accused statements. In view thereof, rigours of Section 37 of the NDPS are not attracted.

Considering the nature of accusations and the injury report, we are of the opinion that further detention of the petitioner, who is in custody for about 135 days, 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 Special Judge, (Under NDPS Act)-cum-Additional District and Sessions Judge, 3rd Court, Dakshin Dinajpur at Balurghat 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.7896 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.)