

05.01.2021

Item no. 1

Ct.5

CHC

Allowed

C.R.M. No.10707 of 2020

(Physical Hearing)

In Re:- An application for bail under section 439 of the Code of Criminal Procedure in connection with Raninagar Police Station Case No. 162/2020 dated 13.04.2020 under Sections 21(c)/29 of the Narcotic Drugs and Psychotropic Substances Act arising out of N.D.P.S. Case No.126/2020.

And

In the matter of:-

Pratap Mondal

... Petitioner

Ms. Minoti Gomes

.. for the petitioner

Mr. Saswata Gopal Mukherji, Ld. P.P.
Mr. Saryati Dutta

..for the State

This is to consider the prayer for bail on the ground of long incarceration of 44 days.

It is submitted by the learned counsel for the petitioner that petitioner has been falsely implicated in this case on the basis of statement, made by co-accused and nothing has been recovered within the meaning of Narcotic substance.

Learned Additional Public Prosecutor, Mr. Saryati Dutta raises objection submitting that bail should be rejected upon

consideration of huge quantity phensedyl being recovered from the possession of co-accused.

Having considered the materials in context with the allegations revealed from the statement already collected and bearing in mind that the petitioner has been roped in this case on the basis of statement of co-accused and further that nothing has so far been recovered from the accused person and that the charge-sheet has since been submitted, we are persuaded to hold that the restriction imposed under Section 37 of the N.D.P.S. Act has been sufficiently rebutted, at least to the extent of making consideration of the prayer for bail. Accordingly, we are inclined to grant bail to the petitioner.

The petitioner (Pratap Mondal), may find bail of Rs.20,000/- (Rupees Twenty 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 and on condition that the petitioner shall not tamper with the evidence or intimidate the witnesses in any manner whatsoever and further ensure his appearance on the dates of hearing. This Court makes it clear that any departure on the part of petitioner in making observance to the conditions of bail, the trial court shall be at liberty to go for cancellation of bail without making any reference to this Court.

C.D. be returned.

With these observations, **CRM 10707 of 2020** stands **disposed of**.

All parties shall act in terms of copy of this order downloaded from the official website of this Court.

Urgent Xerox certified copy of this order, if applied for, be supplied to the parties, subject to compliance with all requisite formalities.

(Subhasis Dasgupta, J.)

(Subrata Talukdar, J.)