

04-01-2021
K.B.
Item no.13
Bail allowed

IN THE HIGH COURT AT CALCUTTA
Criminal Miscellaneous Jurisdiction

C.R.M 10736 of 2020
Nabab Mondal @ Nawab Mondal
-vs-
The State of West Bengal

In Re: An application for bail under Section 439 Cr.P.C in connection with Chapra Police Station Case No. 396 of 2020 dated 20.10.2020 under Sections 21(C)/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 in NDPS Case No.70 of 2020.

Mr. Amanul Islam
Mr. Koustav Bagchi
Mr. Sourav Mukherjee ...for the petitioner.

Mr. Rana Mukherjee
Mr. Pradipto Ganguly ... for the State.

Learned advocate, Mr. Bagchi prays for bail on the ground of long custody of 75 days. It is submitted by the learned advocate for the petitioner that on the basis of statement of co-accused, Anarul, this petitioner has been falsely implicated in this case and undergoing detention of 75 days. No narcotic substance has since been recovered from the possession of the accused person.

Learned Additional Public Prosecutor, Mr. Mukherjee raises objection submitting that there is recovery of 127 bottles fensedyl from the possession of co-accused, Anarul Mondal.

Having considered the materials already collected in the Case Diary and bearing in mind the extent of complicity, and that too revealed from the statement of the co-accused, which is inadmissible in evidence, we are of the considered view that the restriction imposed under Section 37 of the NDPS Act appears to have been sufficiently

rebutted.

Accordingly, the petitioner (Nabab Mondal @ Nawab Mondal) may find bail by furnishing a bond of Rs.20,000/- (Rs. Twenty thousand only) with two sureties of Rs.10,000/- each of like amount, one of whom must be local and subject to the satisfaction of Ld. Judge, Special Court, Nadia and on condition that the petitioner shall not intimidate the witnesses in any manner whatsoever and tamper the evidence and on further condition that he shall co-operate with the investigation and when needed shall ensure his appearance on each date of trial. The Court makes it clear that if any departure is found as regards observance of condition of bail, the trial Court shall be at liberty to go for cancellation of bail without making any reference to this Court.

Accordingly, the application for bail, being CRM No. 10736 of 2020 stands disposed of.

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

Urgent xerox certified copy of this order, if applied for, be supplied to the parties on usual undertaking.

[Subhasis Dasgupta, J.]

[Subrata Talukdar, J.]

