

16.08.2021
Item no. 05(J.C.)
Court No.32.
S.De.
(Allowed)

In the High Court at Calcutta
Circuit Bench at Jalpaiguri

(Via Video Conference)

CRM 817 of 2021

In Re: An application for Bail under Section 439 of the Code of Criminal Procedure filed on 05.08.2021 in connection with Dinhata Police Station Case No. 430 of 2020 dated 11.11.2020 under Sections 21(c)/29 of the Narcotic Drugs and Psychotropic Substances Act.

And

In the matter of : Mominul Haque @ Pandey.

.....Petitioner.

Mr. Sudip Guha, Advocate,

.....for the Petitioner.

Mr. Aditi Shankar Chakroborty, A.P.P.,

Mr. Biswarup Roy, Advocate,

.....for the State.

Admittedly, no contraband item was recovered from the possession of the petitioner. His name has transpired from the statement made by the co-accused from whom recovery of commercial quantity of contraband items was made.

In view of the aforesaid, the restrictions under Section 37 of the Narcotic Drugs and Psychotropic Substances Act are not attracted.

We have considered the material in the case diary. Charge sheet has been filed. The petitioner is in custody for 114 days.

On an over all consideration of the facts and circumstances of the case, we are inclined to allow the petitioner's prayer for bail.

Accordingly, we direct that 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 Additional Sessions Judge (1st Court) Cooch Behar under N.D.P.S. Act, and on further conditions that he shall remain within the jurisdiction of the concerned police station and he shall report to the Officer-in-Charge of the concerned police station once in a fortnight until further orders. 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 adhere to any of the conditions stipulated above without justifiable cause, the trial court shall be at liberty to cancel the petitioner's bail in accordance with law without further reference to this Court.

The application for bail is, accordingly, allowed.

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

(Suvra Ghosh, J.)

(Arijit Banerjee, J.)

