

06.01.2022
Sl. No.62
Aloke
Ct. No. 29

C. R. M. (NDPS) 15 of 2022

[Via Vide Conference]

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 04.01.2022 in connection with Jalangi Police Station Case No. 272 of 2021 dated 23.09.2021 under Sections 21(c)/29 of the NDPS Act.

And

In Re: **Moksed Mondal @ Pintu Mondal @ Mukshed Mondal @
Pintu**

... .. Petitioner

Mr. Md. Sarwar Jahan, Advocate

Mr. Anisur Rahman, Advocate

... .. for the petitioner

Mr. Binay Panda, Advocate

Ms. Puspita Saha, Advocate

... .. for the State

It is submitted on behalf of the petitioner that petitioner is in custody for 35 days. He submits that no narcotic substance was recovered from the possession of the petitioner.

Learned Advocate for the State opposes the prayer for bail and submits that the petitioner was dealing with narcotic substance.

We have considered the materials on record. No narcotic substance was recovered from the possession of the petitioner. The complicity of the petitioner has transpired from the statement of the co-accused before police which is inadmissible in law.

Under such circumstances, we are of the opinion that the petitioner has been able to rebut the presumptions under Section 37 of the NDPS Act and the he may be granted bail.

Therefore, the accused/petitioner be released on bail upon furnishing bond of Rs.10,000/- (Rupees Ten 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, subject to condition that the petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever or commit similar offences in future.

In the event the petitioner fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this court.

The application for bail, thus, stands **allowed**.

(Joymalya Bagchi, J.)

(Bibhas Ranjan De, J.)