

16.03.2022

Court No.32
rpan/112

CRM (NDPS) 28 of 2022

In Re:- An application for bail under section 439 of the Code of Criminal Procedure ;

And

In Re : **Nihar Mondal @ Niyaruddin Mondal**
- Petitioner

Ms. Minoti Gomes

Mr. Jisan Iqubal Hossain

... for the Petitioner.

Mr. Sudip Ghosh,

Mr. Bitasok Banerjee

... for the State.

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Jalangi Police Station Case no.04 of 2021 dated 04.01.2021 under Sections 21(c)/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 [NDPS Case no.10 of 2021].

Heard the learned advocates appearing for the respective parties and considered the materials in the case diary.

It appears that no contraband substance above commercial quantity was recovered from the possession of the petitioner and that his name has transpired on the basis of co-accused statement before the police officer, which is inadmissible in evidence. As such, the statutory restrictions are not attracted. Similarly situated accused person had already been granted anticipatory bail by this Court. In view thereof, we are of the opinion that further detention of the petitioner, who has suffered incarceration for about 110 days, is not necessary, more so when, upon

completion of investigation, charge sheet has already been submitted.

Accordingly, we allow this application and direct that the petitioner, namely, **Nihar Mondal @ Niyaruddin Mondal** 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 a local, to the satisfaction of the learned Judge, Special Court under N.D.P.S. Act, Berhampore Murshidabad.

It is further directed that the petitioner shall attend the learned court below on all the dates specified for hearing and shall not tamper with the evidence and/or intimidate the witnesses in any manner whatsoever.

In the event the petitioner fails to comply with the aforesaid directions, without any justifiable cause, the learned court below shall be at liberty to cancel his bail, in accordance with law, without further reference to this Court.

With the aforesaid observations, the application for bail, being CRM (NDPS) 28 of 2022, is 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.)