

27.01.2022

Sl. 131
Court No.29
suvayan
(Allowed)

C.R.M. (NDPS) 35 of 2022

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on 06.01.2022 in connection with **Kaliachak** P.S. Case No. **1175 of 2021** dated **24/10/2021** under Sections **21(C)/29/27A** of the Narcotic Drugs and Psychotropic Substances Act arising out of NDPS Case No.111/2021.

And

In the matter of: Pintu Mandal & Anr.

....petitioners.

Mr. Arup Bhowmick

...for the petitioners.

Mr. Binay Panda
Ms. Puspita Saha

...for the State.

Petitioners seek bail.

Considering the fact that the prosecution seeking to proceed against the petitioners on the basis of the statement of the co-accused in custody and considering the fact that no narcotic substance was recovered from the possession of the petitioners, we are of the view that the petitioners are able to rebut the presumption under Section 37 of the Narcotic Drugs and Psychotropic Substances Act, 1985. Moreover, the petitioners can claim parity with other co-accused granted anticipatory bail in CRM 8937 of 2021 and CRM (A) 27 of 2022.

Accordingly, the petitioners be released on bail upon furnishing a Bond of Rs.10,000/- each 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, Malda subject to the condition that during bail they shall appear before the learned trial court on the date fixed till disposal of the trial and they shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event the petitioners fail to comply with the conditions as enshrined hereinbefore, it is open to the trial court to cancel the bail without any further reference to this Court.

The application for bail being C.R.M. (NDPS) 35 of 2022 is, thus, disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)