

68 28.01.2022
AD Ct. No.29
(Partly
Allowed)

C.R.M. (NDPS) 54 of 2022

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with NDPS Case No.27/2020 arising out of **Karimpur** P.S. Case No. **72 of 2020** dated **20/03/2020** under Section **20(b)(C)** of the Narcotic Drugs and Psychotropic Substances Act, 1985.

And

In the matter of: Sajan Mondal & Anr.

....petitioners.

Mr. Kalyan Kumar Bhattacharjee
Mr. Kaushik Dey

...for the petitioners.

Mr. Arijit Ganguly
Mr. Sanjib Kumar Dan

...for the State.

Petitioners seek bail.

Learned Advocate appearing for the petitioners submits that considering the period of detention of the petitioners, bail should be granted. He contends that no narcotics was recovered from the possession of the petitioner no.2. The petitioner no.2 was falsely implicated and is being proceeded against on the basis of the statement of the co-accused while in custody.

Learned Advocate appearing for the State submits that commercial quantity of ganja was seized from the possession of the petitioner no.1. The police submitted charge sheet.

Considering the fact that the commercial quantity of narcotics was seized from the possession of the petitioner no.1, we are of the view that the petitioner no.1 is unable to overcome the restrictions under Section 37 of the NDPS Act, 1985. Consequently, the prayer for bail of the petitioner no.1(Sajan Mondal) is rejected. However, so far as the petitioner no.2 is concerned, since the petitioner no.2 is sought to be proceeded against on the basis of the statement of the

co-accused while in custody and since no narcotics was recovered from the possession of the petitioner no.2 and since the police submitted charge sheet, we grant bail to the petitioner no.2 (Rabjel Mondal @ Kalu).

Accordingly, the petitioner No.2 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 Learned Judge, Special Court under NDPS Act, Nadia at Krishnagar subject to the condition that during bail he shall appear before the learned trial court on the date fixed till disposal of the trial and he shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event the petitioner no.2 fails 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) 54 of 2022** is, thus, disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)