

25.02.2022

Court No.32
rpan/23

CRM (NDPS) 142 of 2022

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

And

In Re : **Chamatkar Mandal & Another**

- Petitioners

Mr. Sanat Kumar Das,

Mr. Sujan Chatterjee

... for the Petitioners.

Mr. Swapan Banerjee,

Mr. Suman Das

... for the State.

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioners in connection with Kaliachak Police Station Case no.1025 of 2021 dated 23.09.2021 under Sections 21(c)/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 [NDPS Case no.93 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 petitioners and that their names have 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 and in view thereof, we are of the opinion that further detention of the petitioners, who are in custody for 150 days, is not necessary.

Accordingly, we allow this application and direct that the petitioners, namely, **Chamatkar Mandal and Sanjit Mandal @ Sanjit**

Kumar Mandal shall 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 a local, to the satisfaction of the learned Judge, Special Court, 4th Court, Malda with a further condition that they shall meet with the investigating officer of the case once a week till investigation is complete.

It is further directed that the petitioners 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 petitioners fail to comply with the aforesaid directions, without any justifiable cause, the learned court below shall be at liberty to cancel their bail, in accordance with law, without further reference to this Court.

With the aforesaid observations, the application for bail, being CRM (NDPS) 142 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.)