

CRM (DB) 394 of 2022

23.03.2022
Sl. 79
Court No.29
(sourav)
(Allowed)

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on **04.02.2022** in connection with **Kaliachak** Police Station Case No. **1175** of **2021** dated **24.10.2021** under Sections **21(C)/29/27A** of the NDPS Act.

And

In the matter of: **Shyam Chand Mandal @ Shyamacharan Mandal @ Shyam Charan Mandal @ Tupi & Anr.**

....petitioners.

Mr. Kalidas Saha

...for the petitioners.

Mr. Binay Panda
Ms. Puspita Saha

... for the State.

Petitioners seek bail.

Learned advocate appearing for the petitioners submits that the petitioners stand on the same footing as that of the other co-accused who were granted anticipatory bail by the Hon'ble Court. He submits that no recovery was made from the possession of the petitioners. The petitioners are sought to be proceeded against on the basis of the statements of the co-accused made while in custody. He submits that the petitioners are in custody for 102 days.

Learned advocate appearing for the State submits that the petitioners can justifiably claim parity.

Considering the fact that no narcotics was recovered from the possession of the petitioners and considering the fact that the police are yet to establish any nexus between the petitioner and the other co-accused who were arrested with commercial quantity of narcotics and considering the period of detention of the petitioners, we are of the view that the petitioners are able to

rebut the restrictions under Section 37 of the NDPS Act, 1985.

We, therefore, grant bail to the petitioners.

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 Special Judge, under the NDPS Act, Malda, subject to the condition that during bail they shall appear before the Investigating Officer once in a week till the conclusion of the investigation and shall appear before the learned trial court on every date of hearing and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event the petitioners 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 **CRM (DB) 394 of 2022** is, thus, disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)

