

14.02.2022
Serial no.37
Aloke
Ct. No. 29

CRM (NDPS) 184 of 2022

In re : An Application for Bail under Section 439 of the Code of Criminal Procedure filed on 08.02.2022 in connection with Jalangi P.S. Case No. 823 of 2019 dated 02.12.2019 under Sections 21(C)/29 of the NDPS Act.

-And-

**In the matter of : Alam Mondal @ Alam Ali @ Alom Mondal
... ...Petitioner**

Mr. Jisan Iqubal Hossain, Advocate
... ... For the Petitioner
Mr. Antarishya Basu, Advocate
... ...For the State

Petitioner seeks bail.

Learned Advocate appearing for the petitioner submits that the petitioner is in custody for 36 days. The petitioner surrendered before the jurisdictional Court. The petitioner is sought to be proceeded against on the basis of the statement of the co-accused. The police filed charge-sheet, therefore, further detention of the petitioner is not required.

Learned Advocate appearing for the State draws the attention of the Court to the statements recorded under Section 161 of the Code of Criminal Procedure of the two eye witnesses.

Considering the fact that the police filed charge-sheet and considering the fact that no narcotic was recovered from the possession of the petitioner and that the petitioner is sought to be proceeded against on the basis of the statement of the co-accused made while in custody, we are of the view that the petitioner is able to overcome the restrictions under Section 37 of the NDPS Act, 1985. Consequently, we are inclined to grant bail to the petitioner.

Accordingly, we direct that the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand only) 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, Berhampore, Murshidabad, subject to condition that the petitioner shall appear before the learned trial court on every date of hearing until further orders and shall not intimidate witnesses and/or tamper with evidence in any manner whatsoever.

In the event, the petitioner fails to appear before the trial court without any justifiable cause, the trial court shall be at liberty to cancel the bail of the petitioner in accordance with law without further reference to this Court.

The prayer for bail is allowed.

CRM (NDPS) 184 of 2022 is disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)