

28.02.2022

Court No.32
rpan/39

CRM (NDPS) 193 of 2022

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

And

In Re : **Anisur Mondal**

- Petitioner

Mr. Subrata Saha (through v.c.)

... for the Petitioner.

Mr. Ranabir Roy Chowdhury,

Mr. Mainak Gupta

... for the State.

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Patiram Police Station Case no.198 of 2021 dated 11.12.2021 under Section 21(C) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

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 petitioner and that his name has 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 petitioner, who is in custody for 65 days, is not necessary.

Accordingly, we allow this application and direct that the petitioner, namely, **Anisur Mondal** shall be released on bail upon furnishing a bond of Rs.10,000/- with two sureties of like amount

each, one of whom must be a local, to the satisfaction of the learned Special Judge (under NDPS Act)-cum-ADJ, 3rd Court, Balurghat, Dakshin Dinajpur with a further condition that he shall meet with the investigating officer of the case once a week till investigation is complete.

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

With the aforesaid observations, the application for bail, being CRM (NDPS) 193 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.)