

04.03.2022

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Ct. No. 29

KAUSHIK

Allowed

C.R.M. (DB) 616 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Sagarpara** Police Station Case No. **49** of **2020** dated **25.08.2020** under Sections 186/188/34 of the Indian Penal Code and Sections 21/22/23 of the Narcotic Drugs and Psychotropic Substances Act.

And

In Re : Safikul Mondal @ Safiquel Mondal

..... petitioner

Mr. Jisan Iqubal Hossain

.....for the petitioner

Mr. Sudip Ghosh

Mr. Apurba Kumar Dutta

....for the State

Petitioner seeks bail.

Learned advocate appearing for the petitioners submits that, no recovery was made from the possession of the petitioner. The petitioner is sought to be proceeded against on the basis of the statement of the co-accused made while in custody.

Learned advocate appearing for the State submits that, the charge-sheet was submitted.

Considering fact that no narcotic was recovered from the possession of the petitioner and considering the fact that the petitioner is sought to be proceeded against on the basis of the statement of the co-accused made while in custody and considering the fact that another co-accused, who was similarly situate with that of the petitioner, was granted anticipatory bail

in CRM 2268 of 2021 dated August 11, 2021, we are of the view that the petitioner is able to rebut the presumption under Section 37 of the NDPS Act, 1985. Consequently, we grant bail to the petitioner.

Accordingly, we direct that the petitioner 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 local, to the satisfaction of the **learned Judge, Special Court under NDPS Act, Berhampore, Murshidabad**, subject to the condition that the petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate the 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 automatically without reference to this Court.

The application for bail is, accordingly, allowed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)