

31 05.04.2022
AD Ct. No.29
(Allowed)

C.R.M. (NDPS) 339 of 2022

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Hili** P.S. Case No.**83 of 2020** dated **23/07/2020** under Sections **411/414** of the Indian Penal Code and read with Section **20(b)(ii)(c)** of the Narcotic Drugs and Psychotropic Substances Act (corresponding to Special Case No.45 of 2020).

And

In the matter of: Nazir Mondal

....petitioner.

Mr. Kaushik Chaudhury
Ms. Busra Khatoon

...for the petitioner.

Mr. Sanjoy Bardhan
Ms. Baishakhi Chatterjee

...for the State.

Petitioner seeks bail.

Learned Advocate appearing for the petitioner submits that the petitioner is in custody for 38 days. Other co-accuseds standing on the same footing were granted anticipatory bail. 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 police submitted charge sheet. He refers to the materials in the case diary.

Considering the fact that no recovery was made from the possession of the petitioner and considering the fact that the police submitted charge sheet and considering the fact that the police at this stage are unable to establish any nexus between the petitioner and the co-accused who was arrested with commercial quantity of

narcotics and considering the fact that the police are proceeding against the petitioner on the basis of the statement of the co-accused made while in custody and considering the period of detention of the petitioner, we are of the view that the petitioner is able to rebut the presumptions under Section 37 of the NDPS Act, 1985. Consequently, we grant bail to the petitioner.

Accordingly, the petitioner 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, Balurghat, Dakshin Dinajpur, subject to the condition that during bail the petitioner shall appear before the learned trial court on the date fixed till disposal of the trial and that the petitioner shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event the petitioner 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 **C.R.M. (NDPS) 339 of 2022** is, thus, disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)