

11.04.2022
Serial no. 39
Aloke
Ct. No. 29

CRM (NDPS) 365 of 2022

In re : An Application for Bail under Section 439 of the Code of Criminal Procedure filed on 05.04.2022 in connection with Hanskhali P.S. Case No. 863 of 2021 dated 26.12.2021 under Sections 20/25 of the NDPS Act.

-And-

In the matter of : Apurba Mondal

... ..Petitioner

Mr. Uttam Kumar Pradhan, Advocate

... .. For the Petitioner

Mr. Saibal Bapuli, Id. APP

Mr. Bibaswan Bhattacharya, Advocate

... ..For the State

Petitioner seeks bail.

Learned Advocate appearing for the petitioner submits that the petitioner is in custody for 107 days. The police filed charge-sheet and, therefore, further detention of the petitioner is not required.

Learned Advocate appearing for the State submits that 22 large cannabis plants were seized from the courtyard belonging to the petitioner.

The nature of seizure is such that the provisions of Section 37 of the NDPS Act, 1985 are not attracted.

Considering the period of detention of the petitioner and considering the fact that police filed charge-sheet, 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, 1985, Nadia at Krishnanagar, subject to condition that 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) 365 of 2022 is disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)