

C.R.M. (NDPS) 392 of 2022

29.04.2022
Sl. 49
Court No.29
(sourav)
(Allowed)

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed in connection with **Hili** Police Station Case No. **39** of **2022** dated **09.02.2022** under Sections **21(c)/22(c)/23(c)/27A** of the Narcotic Drugs and Psychotropic substances Act, 1985.

And

In the matter of: **Motaleb Mandal @ Motaleb Ali Mandal**
....petitioner.

Mr. Kaushik Chowdhury
Ms. Busra Khatun

...for the petitioner.

Mr. Ranabir Ray Chowdhury
Mr. Mainak Gupta

... for the State.

Report as called for by the order dated April 19, 2022
filed in Court be taken on record.

The report does not depict any nexus between the
petitioner and the person arrested with the commercial quantity
of narcotic, at this stage.

Considering the 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 the police at this stage are unable to
establish any nexus between the petitioner and the person
arrested with commercial quantity of narcotic, we are of the
view that the petitioner is able to overcome the restrictions
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/- (each) with two sureties of

like amount, 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 petitioners shall appear before the learned trial court on every date of hearing and shall not intimidate witnesses and/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) 392 of 2022** is, thus, disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)

