

21.04.2022
Serial no.39
KS

CRM(NDPS) 395 of 2022

In re: An Application for bail under Section 439 of the Code of Criminal Procedure in connection with Jalangi Police Station Case No.04/2021 dated 04.01.2021 under Sections 21(c)/29 of the N.D.P.S. Act arising out of N.D.P.S. Case No.10/2021.

-And-

In the matter of: **Titan Mondal @ Titon Mondal**

Mr. Jisan Iqubal Hossain
.....for the petitioner
Mr. Sudip Ghosh
Mr. A. K. Dutta
.....for the State

Leave granted to the learned advocate for the petitioner to correct the cause title.

Petitioner prays for bail.

Considering the fact that no narcotic was recovered from the possession of the petitioner considering the fact that the petitioner is sought to be proceeded against on the basis of statement of the co-accused and considering the fact that the police filed charge-sheet and considering the fact that the police, at this stage, are unable to establish any nexus between petitioner and the co-accused who was arrested with the commercial quantity of narcotics and considering the fact that the other co-accused standing on the same footing who were enlarged on

anticipatory bail we are of the view that the petitioner is able to overcome the restrictions under Section 37 of the NDPS Act, 1985.

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 without further reference to this Court.

The application for bail is, accordingly, allowed.

CRM(NDPS) 395 of 2022 is disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)