

C.R.M. (NDPS) 400 of 2022

21.04.2022
Sl. 42
Court No.29
(sourav)
(Allowed)

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed in connection with NDPS Case No. **85** of **2020**, arising out of **Bhimpur** Police Station Case No. **315** of **2020** dated **05.12.2020** under Sections **379/411** of the Indian Penal Code, 1860 and Section **21(c)** of the Narcotic Drugs and Psychotropic substances Act, 1985.

And

In the matter of: **Shahjahan Mondal @ Shahajahan Mondal @ Sahajan Mondal**

....petitioner.

Mr. Atis Kumar Biswas
Mr. Amit Singh
Ms. Jyoti Agarwal

...for the petitioner.

Mr. Tapan Deb Nandy
Mr. Antarikhya Basu
Mr. Bibaswan Bhattachayya

... for the State.

Petitioner prays for bail.

Learned advocate appearing for the petitioner submits that the petitioner is in custody for 17 days. The petitioner was falsely implicated. Co-accused standing on the same footing were either granted bail or anticipatory bail. No recovery was made from the possession of the petitioner.

Learned advocate appearing for the State draws the attention of the Court to the materials in the case diary.

Apparently, the petitioner is not even named by the co-accused who was arrested with the commercial quantity of narcotic. No recovery was made from the possession of the petitioner.

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

Consequently, considering the period of detention of the petitioner and considering the gravity of the offence and the involvement of the petitioner therein as transpiring from the materials in the case diary, we grant bail to the petitioner.

Accordingly, the petitioner 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, Krishnagar, Nadia, subject to the condition that during bail he 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) 400 of 2022** is, thus, disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)

