

C.R.M. (NDPS) 402 of 2022

29.04.2022
Sl. 50
Court No.29
(sourav)
(Allowed)

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed in connection with **Domkal** Police Station Case No. **72** of **2022** dated **05.02.2022** under Sections **21(C)/29** of the Narcotic Drugs and Psychotropic substances Act, 1985.

And

In the matter of: **Samrat Mondal**

....petitioner.

Mr. G. N. Imrohi
Mr. S. Bhattacharyya
Mr. D. Mazumder

...for the petitioner.

Mr. Binay Panda
Ms. Puspita Saha

... for the State.

Report as called for by the order dated April 21, 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/- 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) 402 of 2022** is, thus, disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)

