

C.R.M. (NDPS) 406 of 2022

22.04.2022
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 **Jalangi** Police Station Case No. **18** of **2022** dated **12.01.2022** under Sections **21(c)/29** of the Narcotic Drugs and Psychotropic substances Act, 1985.

And

In the matter of: **Rafikul Mondal @ Rafikul Islam**

....petitioner.

Mr. Jisan Iqubal Hossain

...for the petitioner.

Mr. Ranabir Roy Chowdhury

Mr. Mainak Gupta

... for the State.

Petitioner prays for bail.

Learned advocate appearing for the petitioner submits that the petitioner is in custody for 94 days. The petitioner was falsely implicated since the petitioner subscribes to a particular political ideology.

Learned advocate appearing for the State submits that the petitioner is dealer of medicine. The shop of the petitioner was raided. However, no incriminating material was seized.

Considering the fact that no narcotic was seized from the possession of the petitioner and considering the fact that the police are proceeding against the petitioner on the basis of the statement of the co-accused made while in custody and considering the period of detention of the petitioner and considering the fact that the police are unable to establish any nexus between the petitioner and the person arrested with commercial quantity of narcotic, at this stage, we are of the view that the petitioner is able to overcome the restrictions under

Section 37 of the NDPS Act, 1985

Consequently, we enlarge the petitioner on bail.

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, Berhampore, Murshidabad, subject to the condition that he shall appear before the Investigating Officer once in a week till the conclusion of the investigation and on further 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) 406 of 2022** is, thus, disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)

