

CRM (NDPS) 441 of 2022

In re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Bhimpur Police Station** Case No. **98 of 2021** dated **12.04.2021** under Sections **21(b)** of the NDPS Act.

- A n d -

In the matter of : Abdul Mondal @ Rahaman

.... Petitioner.

Mr. Y. Mondal,
Mr. P. Roy,

... For the Petitioner.

Mr. Sudip Ghosh,
Mr. B. Banerjee,

... for the State.

The petitioner prays for bail.

Considering the fact that no narcotic was recovered from the possession of the petitioner and considering the fact that police filed charge sheet and considering the fact that police are proceeding against the petitioner on the basis of evidence of a co-accused made while in custody and considering the fact that police are unable to establish any nexus between the person arrested with the commercial quantity of narcotic and the petitioner, 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, we direct that the petitioner shall be released on bail upon furnishing a bond of Rs. 10,000/- with two sureties of

like amount of each, one of whom must be local, to the satisfaction of the Learned Special Judge under NDPS Act, Krishnagar, Nadia, 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 witness and/or tamper with evidence in any matter 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.

(Debangsu Basak, J.)

(Kausik Chanda, J.)