

08.06.2022
cm/ct 28
sl no. 8

C.R.M. (NDPS) No.511 of 2021

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with **Raninagar P.S Case No. 131 of 2018** dated **16.03.2018** under Section **21 (C)/29** of the NDPS Act, 1985
And

Allowed

In Re : Nitai Mondal

..... petitioner

Mr. Dipankar Mondal
Mr. Anisur Rahaman

..... for the petitioner

Mr. Ranadeb Sengupta

..... for the State

Petitioner is in custody for 86 days. It is submitted co
accuseds have been acquitted from the present case.

Learned lawyer for the State opposes the prayer for bail and
submits that petitioner was a proclaimed offender and was
subsequently arrested and put upon trial.

We have considered the materials on record including the
order of acquittal. Trial judge held that the seizure was vitiated as
mandatory requirements under Section 42 of the NDPS Act had not
been complied with. Witnesses were also unable to describe the
building where the recovery was made.

In view of the aforesaid facts, we are of the opinion further
detention of the petitioner is not necessary and petitioner may be
granted bail subject to strict conditions.

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, Murshidabad on condition that the

petitioner shall appear before the trial court on every date of hearing and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event he fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this court.

The application being CRM (NDPS) No 511 of 2022 is disposed of.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)