

09.06.2022
Sl. No.11
akd
[ALLOWED]

C. R. M. (NDPS) 554 of 2022

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 06.06.2022 in connection with Jalangi Police Station Case No. 46 of 2021 dated 01.03.2021 under Sections 21(c)/29 of the NDPS Act. (NDPS Case No.40 of 2021)

And

In Re: ***Jhilik Mondal @ Sk. Ahabban Mondal***

... .. Petitioner

Mr. Abdur Rakib
Mr. Jisan Iqbal

... .. for the petitioner

Mr. Tapan Deb Nandy
Mr. Antarikhya Basu

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about one year and three months. It is further submitted that recovery was made from a bamboo bush on the property of one Saidul Sk. The said Saidul Sk. has not been made an accused.

Learned advocate appearing for the State opposes the prayer for bail and submits on the leading statement of the petitioner recovery of 105 bottles of *phensedyl syrup* was made in presence of independent witnesses.

We have considered the materials on record. Alleged recovery was made from a place which is in the property of another person viz. Saidul Sk. He has not been made an accused. The place is a bamboo bush and is accessible to all. In view of the aforesaid facts, we are of the opinion petitioner has been able to rebut the statutory restrictions under Section 37 of the NDPS Act and bearing in mind the period of detention suffered by him, we are of the opinion further detention of the accused/petitioner is not necessary.

Therefore, the accused/petitioner, namely ***Jhilik Mondal @ Sk. Ahabban Mondal***, be released on bail upon furnishing bond of Rs.10,000/- (Rupees Ten thousand only), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Judge, Special Court under the NDPS Act, 1985, Berhampore, Murshidabad subject to condition that the said petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever or commit similar offences in future.

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 for bail, thus, stands **allowed**.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)