

15.06.2022.
07.
Ct.No.28.
as
(Allowed)

C.R.M. (NDPS) 598 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with NDPS Case No.141 of 2020 arising out of Sagarpara P. S. Case No.74 of 2020 dated 02.09.2020 under Sections 21(c)/29 of the N.D.P.S. Act.

In the matter of : Manto @ Mantu Mondal @ Muntu
Mondal & Anr.

.... Petitioners.

Mr. Toslim Ali,
Ms. Saba Parween.

...for the Petitioners.

Mr. Saryati Datta.

...for the State.

Heard the learned Counsels appearing on behalf of the parties. Report is placed on record.

Learned Advocate for the State submits petitioner is on bail in other cases.

Keeping in mind the aforesaid fact and as their complicity of the petitioners have transpired from the statement of co-accused before a police officer which is inadmissible in evidence, we are of the opinion that the petitioners have been able to rebut the statutory restrictions under Section 37 of the N. D. P. S. Act and they may be granted bail.

Accordingly, the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/- each with two sureties of like amount each, one of whom must be local, to the

satisfaction of the learned Judge, Special Court under N.D.P.S. Act, Murshidabad at Berhampore subject to condition that the petitioners 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.

In the event the petitioners fail to appear before the Trial Court without any justifiable cause, the trial Court shall be at liberty to cancel their bail in accordance with law without further reference to this Court.

This application for bail is, thus, disposed of.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)