

23.06.2022  
Sl. No.18  
akd  
[ALLOWED]

**C. R. M. (NDPS) 696 of 2022**

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 20.06.2022 in connection with Panskura Police Station Case No. 182 of 2022 dated 12.03.2022 under Section 22(c) of the NDPS Act.

And

In Re: ***Kartick Chandra Mondal @ Kartick Ch. Mondal @ Kartick Mondal***  
... .. Petitioner

Mr. Amal Krishna Samanta  
... .. for the petitioner

Mr. Ranabir Roy Chowdhury  
Mr. Mainak Gupta  
Mr. Kanchan Ray  
... .. for the State

It is submitted on behalf of the petitioner he is in custody for about 91 days. It is further submitted no narcotic substance was recovered from his possession.

Learned advocate appearing for the State opposes the prayer for bail.

We have considered the materials on record. We find that no narcotic substance was recovered from the possession of the petitioner and his complicity has transpired from the statement of co-accused before a police officer which is inadmissible in evidence. Under such circumstances, we are of the opinion that the petitioner has been able to rebut the statutory restrictions under Section 37 of the NDPS Act. In view of the aforesaid fact and the period of detention suffered by the petitioner, we are of the opinion further detention of the accused/petitioner is not necessary.

Therefore, the accused/petitioner, namely ***Kartick Chandra Mondal @ Kartick Ch. Mondal @ Kartick 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, Tamluk, Purba Medinipur 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.)**