

27.06.2022.
09.
Ct.No.28.
as
(Allowed)

C.R.M. (NDPS) 707 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with NDPS Case No.70 of 2021 arising out of Kaliachak P.S. Case No.846 of 2021 dated 14.08.2021 under Sections 21(c)/ 29 of the N.D.P.S. Act.

In the matter of : Sanjoy Mandal @ Panchu.

.... Petitioner.

Ms. Minoti Gomes.

...for the Petitioner.

Mr. Swapan Banerjee,
Mr. Anindya Sundar Chatterjee.

...for the State.

Heard the learned Counsels appearing on behalf of the parties.

Petitioner is in custody for about 109 days. It is contended he has been falsely implicated in the instant case.

Learned Advocate for the State opposes the prayer for bail. He submits recovery was made from co-accused Nayan Mondal who was found with narcotic substance in the backside of the house of the petitioner.

We have considered the materials on record. Recovery was made from a tin box which was in possession of co-accused Nayan Mondal. There is nothing to show the place where co-accused Nayan Mondal was apprehended was in the exclusive control of the petitioner.

In view of the aforesaid circumstances and the complicity of the petitioner which primarily hinges of the statement of the co-accused before police officer which is inadmissible in

evidence, we are of the opinion that the petitioner has been able to rebut the statutory restrictions under Section 37 of the N. D. P. S. Act and he may be granted bail.

Accordingly, the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- 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, Malda subject to condition that he 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 petitioner fails to appear before the Trial Court without any justifiable cause, the trial Court shall be at liberty to cancel his 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.)