

13.07.2022
cm/ct 28
sl no. 8

C.R.M. (NDPS) No. 773 of 2022

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with **Kaliachak P.S Case No. 1439 of 2021** dated **27.12.2021** under Sections **21 (c)/29** of the Narcotic Drugs and Psychotropic Substances Act and Section 27 (A) of the Drugs and Cosmetics Act.

And

Allowed

In Re : Niranjan Mandal @ Jojon

..... petitioner

Mr. Arup Kumar Bhowmick

..... for the petitioner

Mr. Suman De

..... for the State

Petitioner is in custody for 34 days. It is contended that no narcotic substance was recovered from the petitioner.

Learned lawyer for the State opposes the prayer for bail.

We have considered the materials on record and keeping in mind the nature of allegations and the extent of complicity of the petitioner in the alleged crime in the light of the submission that no narcotic substance was recovered from his possession and as his complicity in the alleged offence has transpired from the statement of co-accused before police officer which is inadmissible in evidence, we are of the opinion that petitioner has been able to rebut the statutory restrictions under section 37 of the NDPS Act, we are inclined to grant bail to the petitioner.

Accordingly, the petitioner 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 NDPS Act, Malda 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 petitioner 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. 773 of 2022 is disposed of.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)