

Sl. 12
14.02.2022
Court No.32
SD

CRM 8678 of 2021
(Via Video Conference)

In re: An application under Section 439 of the Code of Criminal Procedure;

And

In the matter of: Sukto Mondal @ Abid Ahmed Sk.

... Petitioner.

Ms. Minati Gomes

...for the Petitioner.

Mr. N.P. Agarwala

Mr. Saryati Dutta

...for the State.

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Jalangi P.S. Case No. 272 of 2021 dated 23.9.2021 under Sections 21(c)/29 of the N.D.P.S. Act.

Heard the learned advocates appearing for the respective parties and considered the materials in the case diary.

It appears that no contraband substance above commercial quantity was recovered from the possession of the petitioner and that his name has transpired on the basis of co-accused statement and as such, the rigor of Section 37 of the NDPS Act is not attracted.

Answering our query, Mr. Saryati Dutta, learned advocate appearing for the State submits that the petitioner was arrested in another criminal proceeding being Jalangi P.S. Case No.275 of 2021 dated September 28, 2021.

In reply, Ms. Gomes, learned advocate appearing for the petitioner, submits that the petitioner has already been enlarged on bail in the said criminal proceeding and the same is not a narcotic case.

In view thereof, we are of the opinion that further detention of petitioner, who is in custody for 95 days, is not necessary.

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, Berhampore, Murshidabad with a further condition that the petitioner shall attend the learned trial court on all the dates as specified for hearing.

It is further directed that the petitioner shall not intimidate the witnesses or tamper with evidence in any manner whatsoever.

It is made clear that in the event the petitioner fails to comply with the aforesaid directions without any justifiable cause, the learned trial court would be at liberty to cancel the petitioner's bail without any further reference to this Court.

Report, as produced, in Court today be kept with the record.

The application for bail being CRM No.8678 of 2021 is, accordingly, disposed of.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Sugato Majumdar, J.)

(Tapabrata Chakraborty, J.)