

12.09.2022  
Sl. No.4  
**akd**  
[ALLOWED]

**C. R. M. (NDPS) 1005 of 2022**

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 31.08.2022 in connection with Domkal Police Station Case No.118 of 2022 dated 03.03.2022 under Sections 21(c)/29 of the NDPS Act. (NDPS Case No.65 of 2022)

And

In Re: ***Milan Mondal @ Milon Mondal @ Janip Mondal***  
... .. Petitioner

Mr. Tapodip Gupta  
... .. for the petitioner

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

Pursuant to our earlier direction, Investigating Officer is personally present before this court. His presence is noted and dispensed with.

It is submitted on behalf of the petitioner that no narcotic substance was recovered from his possession.

Report is placed on record. It appears from the report petitioner is not the owner of the motorcycle which was used to transport narcotic substance.

We have considered the materials on record. We find that no narcotic substance was recovered from the possession of the petitioner. He is also not the owner of the motorcycle which was used to transport narcotic substance. 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 and may be enlarged on bail.

Therefore, the accused/petitioner, namely ***Milan Mondal @ Milon Mondal @ Janip 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-cum-Additional District Judge, 5<sup>th</sup> Court, Berhampore, Murshidabad 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 any 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**.

**(Ajay Kumar Gupta, J.)**

**(Joymalya Bagchi, J.)**