

07.09.2022
Sl. No.6
akd
[ALLOWED]

C. R. M. (NDPS) 1014 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 Hili Police Station Case No.133 of 2021 dated 01.07.2021 under Sections 21(c)/22(c)/23(c)/27A of the NDPS Act.

And

In Re: ***Jahangir Mondal***

... .. Petitioner

Mr. Sayan De
Mr. Sayan Kanjilal

... .. for the petitioner

Mr. Sanjay Bardhan
Mr. Palash Ch. Majhi

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about three months. It is further submitted no narcotic substance was recovered from his possession. Co-accused has been enlarged on bail.

Learned advocate appearing for the State opposes the prayer for bail and submits petitioner has criminal antecedents. Call detail records (CDRs) show there was telephonic conversation between the petitioner and co-accused prior to the occurrence.

We have considered the materials on record. We find that no narcotic substance was recovered from the possession of the petitioner. No other material has been collected to corroborate the slender evidence of telephonic conversation between the petitioner and co-accused as appearing from the CDRs. collected during investigation. Co-accused has been enlarged on bail. Keeping in mind the aforesaid facts, 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 ***Jahangir 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-cum-Additional District & Sessions Judge, 3rd Court, Dakshin Dinajpur 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**.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)