

29.09.2022.
17.
Ct.No.28.
as
(Allowed)

C.R.M. (NDPS) 1139 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with N Case No.102 of 2022 arising out of Bongaon P. S. Case No.750 of 2022 dated 15.07.2022 under Sections 20(b)(ii)(B) of the N.D.P.S. Act.

In the matter of : Fajul Rahaman Mandal.

.... Petitioner.

Mr. N. S. Ghosh,
Ms. S. Mukherjee,
Ms. S. Chatterjee,
Mr. S. Mondal.

...for the Petitioner.

Mr. S. Ghosh,
Mr. A. K. Datta.

...for the State.

Petitioner is in custody for 78 days. He prays for bail.

Learned Advocate for the State opposes the prayer for bail and submits prayer for bail of the petitioner was rejected earlier.

We have considered the materials on record. Allegation relates to recovery of 12 kgs. of ganja from the possession of the petitioner. Amount of narcotic substance recovered is below commercial quantity and restrictions under Section 37 of the NDPS Act are not attracted.

Balancing the nature of accusation with the period of detention suffered by the petitioner, we are inclined to grant bail to the petitioner.

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, Barasat 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.

(Ajay Kumar Gupta,J.)

(Joymalya Bagchi, J.)