

07.11.2022
Sl. No.18
akd
[ALLOWED]

C. R. M. (NDPS) 1304 of 2022

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 31.10.2022 in connection with English Bazar Police Station Case No. 782 of 2022 dated 20.05.2022 under Sections 21(c)/29 of the NDPS Act and Section 27A of the Drugs and Cosmetics Act.

And

In Re: **Mohan Choudhury @ Chowdhury**

... .. Petitioner

Mr. Sagar Saha

... .. for the petitioner

Mr. Sanjay Bardhan
Ms. Baisakhi Chatterjee

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about 160 days. 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.

We have considered the materials on record. We find that no narcotic substance was recovered from the possession of the petitioner. Co-accused has been enlarged on bail. Keeping in mind the extent of complicity of the petitioner in the alleged crime, we are of the opinion that he 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 **Mohan Choudhury @ Chowdhury**, 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 Judge, 4th Court, Malda (I/C) 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.)