

21.11.2022.
18.
Ct.No.28.
as
(Allowed)

C.R.M. (NDPS) 1350 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Berhampore P. S. Case No.1470 of 2021 dated 20.12.2021 under Sections 22(c)/29 of the NDPS Act and charge sheet submitted under Sections 22(c)/29 of the NDPS Act.

In the matter of : Sabyasachi Mondal & Anr.

.... Petitioners.

Ms. Shabana Hasin.

...for the Petitioners.

Mr. Ranabir Roy Chowdhury,
Mr. Mainak Gupta.

...for the State.

Petitioners are in custody for 81 days. It is contended no narcotic substance was recovered from their possession. They pray for bail.

Learned Advocate appearing for the State opposes the prayer for bail.

We have considered the materials on record. Apart from statement of co-accused before a police officer which is inadmissible in evidence, no other material implicating the petitioners in dealing with narcotics has been collected during investigation.

Under such circumstances, we are of the opinion that the petitioners have been able to rebut the statutory restrictions under Section 37 of the N. D. P. S. Act and they may be granted bail subject to conditions.

Accordingly, the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/- each 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, Berhampore, Murshidabad subject to condition that they 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 petitioners fail to appear before the Trial Court without any justifiable cause, the trial Court shall be at liberty to cancel their 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.)