

22.11.2022
Sl. No.10
akd
[ALLOWED]

C. R. M. (NDPS) 1352 of 2022

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 14.11.2022 in connection with Jalangi Police Station Case No. 30 of 2022 dated 24.01.2022 under Sections 21(c)/29 of the NDPS Act read with Section 25(i)(a) of the Arms Act. (NDPS Case No.34 of 2022)

And

In Re: ***Farhad Mondal***

... .. Petitioner

Mr. Mrityunjoy Chatterjee
Md. Sabbir Biswas

... .. 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 270 days. Investigation is complete. Under such circumstances, he renews his prayer for bail.

Learned advocate appearing for the State opposes the prayer for bail and submits there were telephonic conversations between the petitioner and co-accused from whom narcotic substance above commercial quantity was recovered. Petitioner has criminal antecedents.

We have considered the materials on record. Prayer for bail of the petitioner was rejected earlier in course of investigation. Presently, investigation is complete. No incriminating material corroborating the prosecution case of conspiracy was collected in course of investigation. As the prosecution case is hinged on the slender material i.e. telephonic calls between the petitioner and co-accused (contents whereof are unknown), we are of the opinion further detention of the accused/petitioner is not necessary and he may be enlarged on bail however, subject to conditions .

Therefore, the accused/petitioner, namely ***Farhad 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 Judge, 5th 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 and on further condition that the petitioner, while on bail, shall not leave the jurisdiction of Jalangi Police Station except for the purpose of attending court proceedings and shall report to the Officer-in-charge of the said police station once in a week until further orders.

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.)