

25.11.2022

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Allowed

C.R.M. (NDPS) No. 1386 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Raghunathganj Police Station Case No. 433 of 2022 dated 30.05.2022 under Sections 21(c)/ 29 of the N.D.P.S. Act.

And

In Re : Nirup Mondal @ Pintu @ Nripen @ Nripen Mondal petitioner

Mr. Tapodip Gupta

.....for the petitioner

Mr. Sudip Ghosh

Mr. A. K. Datta

.....for the State

Learned Counsel appearing for the petitioner submits that he is in custody for 130 days. No narcotic substance was recovered from the possession of the petitioner. Investigation is complete. He prays for bail.

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

We have considered the materials on record. No narcotic substance has been recovered from his possession. There is no legally admissible material connecting him with the alleged transaction in narcotic substance and investigation is complete. Hence, we are of the opinion that petitioner has been able to rebut the statutory presumption under Section 37 of the NDPS Act and in view of the period of detention suffered by the petitioner i.e. 130 days, we are inclined to grant bail to him.

Accordingly, we direct that 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 NDPS Act, Berhampore, Murshidabad, subject to conditions 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 he 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.

The application for bail is, accordingly, allowed.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)