

08.12.2022

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Allowed

C.R.M. (NDPS) No. 1456 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Gangarampur Police Station Case No. 119 of 2022 dated 03.03.2022 under Sections 22(c)/29 of the NDPS Act read with Section 27A of the Drugs and Cosmetics Act and charge-sheet submitted under Sections 22(c)/29 of the NDPS Act read with Section 27A of the Drugs and Cosmetics Act.

And

In Re : Mahabur Mondal & Anr. petitioners

Mr. Kaushik Chaudhury
Ms. Busra Khatoon

.....for the petitioners

Mr. Sanjoy Bardhan
Mr. Palash Majhi

....for the State

Learned Counsel appearing for the petitioners submits they are in custody for 40 days. No narcotic substance was recovered from their possession. Investigation is complete. Petitioners pray for bail.

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

We have considered the materials on record. No narcotic substance was recovered from the possession of the petitioners. Under such circumstances, petitioners have been able to rebut the statutory restrictions under Section 37 of the NDPS Act and they may be granted bail.

Accordingly we direct that the petitioners viz. Mahabur Mondal and Sanaul Mondal @ Sanaul Hossain Mandal 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 NDPS Act, Balurghat, Dakshin Dinajpur, subject to condition that the petitioners shall appear before the trial court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

In the event the petitioners fail to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel their bail in accordance with law without further reference to this Court.

The application for bail is, accordingly, allowed.

(Siddhartha Roy Chowdhury, J.)

(Joymalya Bagchi, J.)