

20.12.2022.
20.
Ct.No.28.
as
(Allowed)

C.R.M. (NDPS) 1511 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with NDPS Case No.10 of 2021 arising out of Jalangi P. S. Case No.04 of 2021 dated 04.01.2021 under Sections 21(c)/29 of the NDPS Act.

In the matter of : Majhdar Mondal.

.... Petitioner.

Mr. Jisan Iqubal Hossain,
Ms. Chandrima Debnath,
Mr. Karnel Mondal.

...for the Petitioner.

Mr. Rudradipta Nandy, Id. A.P.P.,
Mr. Subrato Roy.

...for the State.

Petitioner is in custody for 426 days. He submits no narcotic substance was recovered from his possession. Co-accuseds are on bail. He prays for bail.

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

We have considered the materials on record. No narcotic substance was recovered from his possession. During investigation no legally admissible material connecting him with the crime has surfaced.

Under such circumstances, we are of the opinion that the petitioner has been able to rebut the statutory restrictions under Section 37 of the N. D. P. S. Act and as co-accuseds are on bail, we are inclined to grant bail to the petitioner.

Accordingly, the petitioner viz., Majhdar Mondal 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 N.D.P.S. Act, Berhampore, Murshidabad subject to condition 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 the petitioner 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.

This application for bail is, thus, disposed of.

(Ajay Kumar Gupta,J.)

(Joymalya Bagchi, J.)