

21.12.2022
Sl. No.13
akd
[ALLOWED]

C. R. M. (NDPS) 1516 of 2022

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 14.12.2022 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: **Saharul Molla @ Saharul Mondal**

... .. Petitioner

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

... .. for the petitioner

Mr. Sudip Ghosh
Mr. Bitasok Banerjee

... .. for the State

Petitioner renews his prayer for bail. It is submitted on behalf of the petitioner that co-accuseds viz. Farhad Mondal & Belu Sk. have been enlarged on bail.

Learned advocate appearing for the State opposes the prayer for bail and submits petitioner had telephonic conversations with co-accuseds, who were apprehended with narcotics.

We have considered the materials on record. Investigation is complete. No materials corroborating the telephonic conversations between petitioner and co-accuseds (*contents whereof are unknown*) have been placed before us. During rejection of bail prayer of the petitioner in August, 2022, it was not brought to the notice of the Bench that investigation is complete. Upon completion of investigation, co-accuseds viz. Farhad Mondal & Belu Sk. similarly circumstanced with the petitioner have been enlarged on bail. Under such circumstances, we are of the opinion further detention of the accused/petitioner is not necessary and he may be enlarged on bail.

Therefore, the accused/petitioner, namely **Saharul Molla @ Saharul 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, 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.

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.)