

01.03.2022

**CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT JALPAIGURI**

COURT : 01
ITEM : 35
MATTER : 439
STATUS : ALLOWED
TRANSCRIBER : Saswata

CRM (NDPS) 46 of 2022

In Re:- An application for bail under section 439 of the Code of Criminal Procedure filed in connection with Mathabhanga Police Station Case No. 73 of 2021 dated 09.02.2021 under Sections 20(b)(ii)(C)/29 of the NDPS Act.

And

In the matter of : Mohan Halder

...Petitioner

Mr. Hillol Saha Podder, Advocate

Mr. Sayantan Bhomick, Advocate

Ms. Mousumi Das

...for the Petitioner

Mr. Ujjal Luksom, Advocate

Ms. Namrata Das, Advocate

...for the State

The petitioner is seeking bail in connection with Mathabhanga Police Station Case No. 73 of 2021 under Sections 20(b)(ii)(C)/29 of the NDPS Act.

The petitioner has been apprehended in connection with the aforementioned case and is languishing in jail for 155 days.

The charge sheet has already been submitted. It appears that the petitioner has been arrested on the statement of the co accused although there is no recovery of the contraband from his possession.

Although the learned advocate for the State opposes the prayer for bail, but in view of the fact as indicated above, we do not find any substance therein.

Since the statement of the co accused made before the police authority is not admissible as a good piece of evidence at this stage, we thus find that it is a fit case where the petitioner should be enlarged on bail.

As such, the prayer for bail is allowed.

Accordingly, we direct that the petitioner shall be released on bail

upon furnishing a 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 NDPS Act, Cooch Behar on condition that the petitioner petitioner shall appear before the trial Court on every date of hearing until further order and shall not intimidate and / or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to comply with any of the conditions mentioned hereinbefore, it would be open to the trial court to cancel the bail without any further reference to this Court.

Accordingly, the application for bail being CRM (NDPS) 46 of 2022 is disposed of.

(Harish Tandon, J)

(Rabindranath Samanta, J)