

13.01.2023
Sl. No.6
akd
[ALLOWED]

C. R. M. (NDPS) 43 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 09.01.2023 in connection with Jalangi Police Station Case No. 511 of 2017 dated 24.06.2017 under Sections 21(c)/29 of the NDPS Act. (NDPS Case No.248 of 2017)

And

In Re: ***Sahabul Mondal***

... .. Petitioner

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

... .. for the petitioner

Mr. T. D. Nandy
Mr. Antarikhya Basu

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about 63 days. It is further submitted no narcotic substance was recovered from his possession. Co-accused has been enlarged on bail.

Learned Advocate for the State opposes the prayer for bail and submits petitioner had absconded for a period of time.

We have considered the materials on record. We find that no narcotic substance was recovered from the possession of the petitioner. Co-accused has been enlarged on bail. Under such circumstances, we are of the opinion that the petitioner has been able to rebut the statutory restrictions under Section 37 of the NDPS Act. In view of the aforesaid fact and period of detention suffered by the petitioner, we are of the opinion further detention of the accused/petitioner is not necessary.

Therefore, the accused/petitioner, namely ***Sahabul 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.)