

15.02.2023

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Allowed

C.R.M. (NDPS) No. 251 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Murutia Police Station Case No. 240 of 2022 dated 27.09.2022 under Section 21(b) the NDPS Act.

And

In Re : Sain Mondal petitioner

Mr. Sumanta Das

Ms. Mallika Manna

.....for the petitioner

Mr. Ranadeb Sengupta

.....for the State

Heard learned Counsels for the parties.

We have considered the materials on record. No narcotics was recovered from the possession of the petitioner. Co-accuseds are on bail. Under such circumstances, we are of the opinion petitioner has been able to rebut the statutory restrictions under Section 37 of the NDPS Act and may be granted bail.

Accordingly, we direct that the petitioner 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 Chief Judicial Magistrate, Krishnagar, Nadia, subject to conditions that 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.

In the event 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.

The application for bail is, accordingly, allowed.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)