

23.02.2023.
17.
Ct.No.28.
as
(Allowed)

C.R.M. (NDPS) 331 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with NDPS Case No.61 of 2022 arising out of Chapra P. S. Case No.483 of 2022 dated 09.08.2022 under Sections 21/23 of the NDPS Act.

In the matter of : Rafiq Mondal @ Rafikul @ Rafik Sk.
@ Rafik Mandal.

.... Petitioner.

Mr. Sumanta Das,
Ms. Mallika Manna.

...for the Petitioner.

Mr. Ranabir Roy Chowdhury,
Mr. Mainak Gupta.

...for the State.

Petitioner is in custody for 197 days. He submits no narcotic substance was recovered from his possession. He prays for bail.

Learned Advocate for the State opposes the bail prayer.

We have considered the materials on record. No narcotics was recovered from his possession. His complicity has transpired from the statement of co-accused before a police officer which is inadmissible in evidence.

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 he may be granted bail.

Accordingly, the petitioner viz., Rafiq Mondal @ Rafikul @ Rafik Sk @ Rafik Mandal 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, Nadia, Krishnanagar 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.)