

14.03.2023
Sl. No.10
akd
[ALLOWED]

C. R. M. (NDPS) 382 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 02.03.2023 in connection with Jalangi Police Station Case No.335 of 2022 dated 27.10.2022 under Sections 20(b)(ii)(c)/29 of the NDPS Act. (NDPS Case No.205 of 2022)

And

In Re: ***Jiarul Mondal***

... .. Petitioner

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

... .. for the petitioner

Mr. Binay Panda
Mrs. Puspita Saha

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about 137 days. Investigation is in progress.

Learned Advocate for the State opposes the prayer for bail.

We have considered the materials on record. We find that no narcotic substance was recovered from the possession of the petitioner. Apart from CDRs., no other incriminating material showing complicity of the petitioner in the crime has been collected. In view of the aforesaid fact, we are of the opinion petitioner has been able to rebut the statutory restrictions under Section 37 of the NDPS Act. Under such circumstances and in view of the 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 ***Jiarul 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.)