

17.04.2023.
01.
Ct.No.28.
as
(Allowed)

C.R.M. (NDPS) 394 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection NDPS Case No.202 of 2022 arising out of Malda P. S. Case No.573 of 2022 dated 12.02.2022 under Sections 21(C)/25/28/29 of the NDPS Act.

In the matter of : Iswar Mandal.

.... Petitioner.

Mr. Mrityunjoy Chatterjee.

...for the Petitioner.

Mr. T. D. Nandy,
Mr. Antarikhya Basu.

...for the State.

Petitioner is in custody for 120 days. He submits no narcotics was recovered from his possession.

Report is placed on record.

We have considered the materials in the Case Diary including the report. No narcotics was recovered from the petitioner. During police custody, no incriminating materials transpire. CDRs do not show nexus between petitioner and co-accused.

Under such circumstances, we are of the opinion petitioner has been able to rebut statutory restrictions under Section 37 of the NDPS Act and may be granted bail.

Accordingly, the petitioner viz., Iswar 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 the NDPS Act, Malda 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.)