

27.03.2023.
20.
Ct.No.28.
as
(Allowed)

C.R.M. (NDPS) 515 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection Special Case No.13 of 2022 arising out of Hili P. S. Case No.39 of 2022 dated 09.02.2022 under Sections 21(c)/22(c)/23(c)/27A of the NDPS Act.

In the matter of : Salam Mondal @ Abdul & Anr.

.... Petitioners.

Mr. Kaushik Chowdhury.

...for the Petitioners.

Mr. Ranabir Roy Chowdhury,
Mr. Sandip Chakraborty.

...for the State.

Petitioners are in custody for 64 days. They pray for bail.

Learned Advocate for the State opposes the bail prayer.

We have considered the materials on record. No narcotics was recovered from their possession. Their complicity has transpired from the statement of co-accused before police officer which is inadmissible in evidence. Co-accuseds i.e. Motaleb Mandal @ Motaleb Ali Mandal and Jahangir Mondal similarly circumstanced with petitioners are on bail.

Under such circumstances, petitioners have been able to rebut statutory restrictions under Section 37 of the NDPS Act and they may be enlarged on bail.

Accordingly, the petitioners viz., Salam Mondal @ Abdul and Sariful Pramanik 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, Balurghat, Dakshin

Dinajpur subject to condition that they 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 petitioners fail to appear before the Trial Court without any justifiable cause, the trial Court shall be at liberty to cancel their 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.)