

19.04.2023
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allowed

CRM(NDPS) No. 787 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Hogolberia Police Station Case No. 17 of 2023 dated 24.01.2023 under Sections 20(b)/22/29 of the NDPS Act and Section 14(A) of the Foreigners Act.

And

In Re : Natu Mondal @ Jeker Mondal petitioner

Mr. Debabrata Roy
Mrs. Karabi Roy
Ms. Sarbani Mukhopadhyay
....for the petitioner

Mr. Saryati Datta
.... for the State

Heard the learned Counsels for the parties.

We have considered the materials on record. Petitioner is in custody for 81 days. No narcotics was recovered from his possession. His complicity has transpired from the statement of co-accused before police officer which is inadmissible in evidence. 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 enlarged on 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 Judge, Special Court under NDPS Act, Nadia, subject to conditions that petitioner shall appear before the trial court on every date of hearing until further orders and

shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to appear before the trial court without 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.)