

25.04.2023
as/tkm/ct 28
sl no. 20

C.R.M. (NDPS) 864 of 2023

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Hili P.S case no. 220 of 2021 dated 26.9.2021 under sections 20(b)(ii)(c)/21(c)/22(c)/23(c)/27A of the NDPS Act

and

Allowed

In Re : Taimur Mondal @ Taimur Mandal

..... petitioner

Mr. Kaushik Choudhury

..... for the petitioner

Mr. S Bardhan

Mr. Palash C Majhi

..... for the State

Petitioner is in custody for 157 days. It is submitted no narcotic was recovered from his possession. Co-accused has been enlarged on bail. He prays for bail.

Learned lawyer for the State opposes the bail. He submits case involves trafficking of narcotics beyond the State.

We have considered the materials on record. No narcotic was recovered from the petitioner. 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 petitioner has been able to rebut the statutory restrictions under section 37 of the NDPS Act and he may be granted bail.

Accordingly, the petitioner 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 Special Judge, under NDPS Act cum ADJ, 3rd Court, Balurghat, Dakshin Dinajpur on condition that the petitioner shall appear before the trial court on every date of hearing and shall not

intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event he fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this court.

The application being CRM (NDPS) 864 of 2023 is disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)