

05.07.2023
Sl. No.15
akd
[ALLOWED]

C. R. M. (NDPS) 954 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 03.05.2023 in connection with Hogalberia Police Station Case No.62 of 2020 dated 21.05.2020 under Sections 21(c)/29 of the NDPS Act. (NDPS Case No.37 of 2020)

And

In Re: ***Hazarat Mondal***

... .. Petitioner

Mr. Sumanta Das

... .. for the petitioner

Mr. Ranabir Roy Chowdhury

Mr. Mainak Gupta

... .. for the State

It is submitted on behalf of the petitioner that no narcotics was recovered from his possession. Co-accused have been enlarged on bail. Accordingly, he prays for bail.

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. Co-accused have been enlarged on bail. Under such circumstances, we are of the opinion petitioner has been able to rebut the statutory restrictions under Section 37 of the NDPS Act. In view of the aforesaid fact, we are of the opinion further detention of the accused/petitioner is not necessary.

Therefore, the accused/petitioner, namely ***Hazarat 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, Krishnagar, Nadia 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.)