

09.06.2023
Sl. No.17
akd
[ALLOWED]

C. R. M. (NDPS) 1096 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 06.06.2023 in connection with Jalangi Police Station Case No.349 of 2022 dated 07.11.2022 under Sections 20(b)(ii)(c)/29 of the NDPS Act. (NDPS Case No.222 of 2022)

And

In Re: ***Hashim Mondal***

... .. Petitioner

Mr. Kunal Ganguly
Mr. Aslam Parvez
Mr. Tirupati Mukherjee
Ms. Jenifer Alam Megha

... .. for the petitioner

Mr. Sanjay Bardhan
Mr. Palash Ch. Majhi

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about 52 days. It is further submitted no narcotics was recovered from his possession. Investigation is complete. Accordingly, he prays for bail.

Learned Advocate for the State opposes the prayer for bail.

We have considered the materials on record. No narcotics was recovered from the petitioner. Apart from telephonic exchanges (*contents whereof are unknown*), there is no other legally admissible evidence connecting the petitioner with the transportation of narcotics. In view of the slender materials on record, we are of the opinion petitioner has been able to make out a prima facie defence which is sufficient to rebut the statutory restrictions under Section 37 of the NDPS Act. Under such circumstances and in view of the period of detention suffered by the petitioner, we are of the opinion further detention of the accused/petitioner is not necessary.

Therefore, the accused/petitioner, namely ***Hashim 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-cum-Additional District Judge, 5th Court, Berhampur, Murshidabad 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.)