

09.06.2023

18
sdas
Allowed

C.R.M. (NDPS) No. 1097 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Murutia Police Station Case No. 223 of 2022 dated 11.09.2022 under Sections 21(c)/29 of the N.D.P.S. Act.

And

In Re : Saif Ali Mondal @ Sefaluddin Mandal petitioner

Mr. Debarshi Brahma

.....for the petitioner

Mr. Ranadeb Sengupta

.....for the State

Liberty is granted to correct the cause title.

Heard the learned Counsels for the parties.

We have considered the materials on record. No narcotic substance was recovered from the possession of the petitioner. Apart from the statement of the co-accused before police which is inadmissible in evidence there is no material connecting him with the crime. 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 granted 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, Krishnagar, Nadia, subject to conditions that he 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 he fails to appear before the trial court without any 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.)