

04.07.2023.
24.
Ct.No.28.
as
(Allowed)

C.R.M. (NDPS) 1201 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with NDPS Case No.186 of 2022 arising out of Domkal P. S. Case No.522 of 2022 dated 23.08.2022 under Sections 21(c)/29 of the NDPS Act.

In the matter of : Mofajjal Mandal @ Mondal.

.... Petitioner.

Mr. Jisan Hossain,
Ms. Chandrima Debnath,
Mr. Karnel Mondal.

...for the Petitioner.

Mr. Sudip Ghosh,
Mr. Bitasok Banerjee.

...for the State.

Petitioner submits recovery of narcotics was from a garden which was accessible to all. He prays for bail.

Learned Advocate for the State opposes the bail prayer.

We have considered the materials on record. Alleged recovery was from a garden which was accessible to all. It cannot be said that the recovery was from a place which was under the exclusive control and possession of the petitioner.

Under such circumstances, we are of the opinion that the petitioner has been able to rebut the statutory restrictions under Section 37 of the N. D. P. S. Act and he may be granted bail.

Accordingly, the petitioner viz., Mofajjal Mandal @ Mondal 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 N.D.P.S. Act, Berhampore, Murshidabad subject to condition 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 the petitioner 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.

This application for bail is, thus, disposed of.

(Ajay Kumar Gupta,J.)

(Joymalya Bagchi, J.)