

11.07.2023
Sl. No.23
akd
[ALLOWED]

C. R. M. (NDPS) 1237 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 05.07.2023 in connection with Patiram Police Station Case No.169 of 2022 dated 01.09.2022 under Sections 21(c)/22(c)/23(c)/27A of the NDPS Act.

And

In Re: ***Taimur Mondal***

... .. Petitioner

Mr. Biswajit Manna

... .. for the petitioner

Mr. Sanjay Bardhan
Ms. Baisakhi Chatterjee

... .. for the State

It is submitted on behalf of the petitioner that no narcotics was recovered from his possession. Co-accused has 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 similarly circumstanced with the petitioner has 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 ***Taimur 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 Sessions Judge, Dakshin Dinajpur 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.)