

20.07.2023
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allowed

CRM(NDPS) No. 1283 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Hogalberia Police Station Case No. 302 of 2022 dated 27.09.2022 under Sections 20(c)/29 of the NDPS Act.

And
In Re : Monotosh Biswas @ Bura petitioner

Mr. Asraf Mandal
Mr. Manas Das
Mr. Tushar Sil
....for the petitioner

Mr. Madhusudan Sur, learned APP
Mr. Dipankar Paramanick
.... for the State

Learned Counsel for the petitioner submits he is in custody for 106 days. It is also contended no narcotics was recovered from his possession. Investigation is complete. He prays for bail.

Learned Counsel for the State opposes the prayer for bail and submits petitioner has criminal antecedents. Statements of the villagers show petitioner is dealing narcotics.

We have considered the materials on record. No narcotics was recovered from the possession of the petitioner. Statements of villagers disclose recovery of narcotics from co-accused. Their statements are inferential with regard to the involvement of the petitioner in the transaction in question. In view of scanty material on record which was the foundation of arrest and as investigating agency has not been able to produce additional convincing materials to corroborate suspicion we are of the opinion petitioner has been able to make out a prima facie case to

rebut the statutory restrictions under Section 37 of the NDPS Act and may be enlarged on bail, however, subject to strict conditions.

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, on further condition that while on bail petitioner shall remain within the jurisdiction of Hogalberia Police Station except for the purposes of investigation and /or attending court proceeding and also intimate the address where he reside to the investigating officer and court below and also shall meet the Officer-in-Charge, Hogalberia Police Station, once in a week until further orders. Petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to appear before the trial court without 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.)