

02.08.2023
Sl. No.8
akd
[ALLOWED]

C. R. M. (NDPS) 1324 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 13.07.2023 in connection with NDPS Case No.62 of 2020 arising out of NCB Crime No.22/NCB/KOL/2020 dated 02.02.2021 under Sections 8(c)/20(b)(ii)(c)/23(c) of the NDPS Act.

And

In Re: ***Ramnaresh Mandal @ Radheshyam Chaupal***
... .. Petitioner

Mr. Anirban Dutta
Mr. Abhra Jena

... .. for the petitioner

Mr. Pritam Roy

... .. for the NCB

It is submitted on behalf of the petitioner that he is in custody for about two years and eight months. It is further submitted no narcotics was recovered from his possession. Trial has progressed at a slow pace. Co-accused has been enlarged on bail. Accordingly, he prays for bail on the ground of delay.

Report is placed on record. Learned Advocate for the NCB submits Call Detailed Records (CDRs.) collected during investigation show frequent telephonic conversations between the petitioner and co-accused from whom narcotics was recovered. Petitioner has criminal antecedents.

We have considered the materials on record. We find that no narcotic substance was recovered from the possession of the petitioner. Apart from CDRs. showing communications (*contents whereof are unknown*) with co-accused, no legally admissible evidence is placed on record to implicate him in the crime. In view of the aforesaid scanty materials on record with regard to implication of the petitioner in the transportation/possession of narcotics, we are of the opinion he has

been able 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 and as trial is progressing at a tardy pace, we are of the opinion further detention of the accused/petitioner is not necessary. Apprehension of the agency with regard to re-offending on the ground of his criminal antecedents may be addressed by subjecting him to strict conditions.

Therefore, the accused/petitioner, namely ***Ramnaresh Mandal @ Radheshyam Chaupal***, 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, 12th Court, Alipore, South 24-Parganas 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 and on further condition that the petitioner, while on bail, shall remain within the municipal limits of the city of Kolkata or the district of South 24-Parganas and shall provide the address where he shall presently reside to the Investigating Agency as well as the court below and shall report to the Officer-in-charge of the police station concerned within whose jurisdiction he shall presently reside once in a week until further orders.

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.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)

