

02.08.2023
Sl. No.18
akd
[ALLOWED]

C. R. M. (NDPS) 1354 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 28.07.2023 in connection with Domkal Police Station Case No.51 of 2009 dated 05.02.2009 under Section 20(b)(ii)(c) of the NDPS Act.

And

In Re: ***Hasan Mondal @ Hassen Halsana***

... .. Petitioner

Mr. Arnab Chatterjee
Mr. Amanul Islam
Mr. Sourav Mukherjee
Ms. Poulami Bose

... .. for the petitioner

Mr. Saryati Datta

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about 142 days. It is further submitted *Ganja* plants have already been recovered. Petitioner has cooperated during investigation. Investigation is complete. Accordingly, he prays for bail.

Learned Advocate for the State opposes the prayer for bail and submits petitioner is the owner of the land wherefrom *Ganja* plants were recovered.

We have considered the materials on record. *Ganja* plants have already been recovered. Petitioner has cooperated with the investigation. Investigation is complete. Under such circumstances and in view of the period of detention suffered by the petitioner, we are of the opinion further detention of the accused/petitioner is not necessary.

Therefore, the accused/petitioner, namely ***Hasan Mondal @ Hassen Halsana***, 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 & Sessions Judge, 5th Court, Berhampore, Murshidabad 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.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)