

16.08.2023.
06.
Ct.No.28.
as
(Allowed)

C.R.M. (NDPS) 1363 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with NDPS Case No.44 of 2021 arising out of NCB Crime No.17/NCB/KOL/2021 dated 23.05.2021 under Sections 21(C)/28/29 of the NDPS Act read and Section 8(C) of the NDPS Act.

In the matter of : Bapan Mandal.

.... Petitioner.

Mr. Arup Kr. Bhowmick.

...for the Petitioner.

Mr. Bhaskar Prasad Banerjee.

...for the NCB.

1. Petitioner is in custody for 43 days. No narcotics was recovered from his possession. Co-accused have been enlarged on bail as well as pre-arrest bail. He prays for bail.
2. Learned Advocate for the NCB opposes the bail prayer.
3. We have considered the materials on record. No narcotics was recovered from the petitioner. Co-accused similarly circumstanced with petitioner, have been enlarged on bail as well as pre-arrest bail.
4. Hence, we are inclined to enlarge the petitioner on bail.
5. Accordingly, the petitioner viz., Bapan Mandal 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 the NDPS Act, Malda 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.

6. 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.

7. This application for bail is, thus, disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)