

16.08.2023.
07.
Ct.No.28.
as
(Allowed)

C.R.M. (NDPS) 1370 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Baishnabnagar P.S. Case No.1008 of 2022 dated 28.11.2022 under Sections 21(C)/29 of the NDPS Act.

In the matter of : Sujan Mandal.

.... Petitioner.

Mr. Amitabha Karmakar,
Mr. Arup Kr. Bhowmick.

...for the Petitioner.

Mr. Ranabir Roy Chowdhury,
Mr. Mainak Gupta.

...for the State.

1. Petitioner is in custody for 212 days. No narcotics was recovered from his possession. He prays for bail.
2. Learned Advocate for the State opposes the bail prayer. Report filed on behalf of the State be kept on record. He submits petitioner has criminal antecedents.
3. We have considered the materials on record. No narcotics was recovered from the petitioner. His complicity has transpired from the statement of co-accused before police officer which is inadmissible in law.
4. Under such circumstances, we are of the opinion though further detention may not be necessary, but in view of his criminal antecedents he may be released on bail subject to conditions.
5. Accordingly, the petitioner viz., Sujan 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 and on further condition petitioner while on bail shall meet the Officer-in-charge, Baishnabnagar Police Station once in a week until further orders.

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.)