

22.08.2023.
12.
Ct.No.28.
as
(Allowed)

C.R.M. (NDPS) 1422 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with NDPS Case No.02 of 2023 arising out of Jalangi P.S. Case No.398 of 2022 dated 23.12.2022 under Sections 21(C)/29 of the NDPS Act.

In the matter of : Tojammel Mondal @ Tujan Sheikh & Anr.
.... Petitioners.

Mr. Arnab Chatterjee,
Ms. Dhanasree Biswas,
Ms. Poulami Bose.

...for the Petitioners.

Mr. Swapan Banerjee,
Mr. Suman De.

...for the State.

1. Petitioners are in custody for 34 days. No narcotics was recovered from their possession. Investigation is complete. They pray for bail.
2. Learned Advocate for the State opposes the bail prayer.
3. We have considered the materials on record. No narcotics was recovered from the petitioners. Investigation is complete. Hence, petitioner has been able to rebut the statutory restrictions under Section 37 of the NDPS Act and is entitled to bail.
4. Accordingly, the petitioners viz., 1) Tojammel Mondal @ Tujan Sheikh and 2) Bachu Rehman Sheikh @ Bachchu Rahaman shall be released on bail upon furnishing a bond of Rs.10,000/- each 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, Berhampore, Murshidabad

subject to condition that they 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.

5. In the event the petitioners fail to appear before the Trial Court without any justifiable cause, the trial Court shall be at liberty to cancel their bail in accordance with law without further reference to this Court.

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

(Rai Chattopadhyay, J.)

(Joymalya Bagchi, J.)