

23.08.2023

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Allowed

C.R.M. (NDPS) No. 1432 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure arising out of Jalangi Police Station Case No. 364 of 2022 dated 22.11.2022 under Sections 20(b)(ii)(c)/29 of the N.D.P.S. Act.

And

In Re : Sofi Sk. @ Safiruddin Mondal @ Chapiruddin Mondal petitioner

Mr. Jisan Hossain

Ms. Chandrima Debnath

..... for the petitioner

Mr. Saryati Datta

.....for the State

1. Learned Counsel for the petitioner submits he is in custody for about a month. It is also submitted that investigation is over. No narcotics was recovered from the possession of the petitioner. He prays for bail.

2. Learned Counsel for the State opposes the prayer for bail and submits petitioner had telephonic conversation with co-accused from whom narcotics was recovered.

3. We have considered the materials on record. No narcotics was recovered from the petitioner. Though CDRs show frequent telephonic conversation between the petitioner and co-accused from whom narcotics was recovered contents of such conversation are not known. After his apprehension there is no development in investigation disclosing any corroborative material in support of the prosecution case regarding

involvement of the petitioner in transaction of narcotics. In view of scanty materials on record we are of the opinion petitioner has been able to rebut the statutory restrictions under Section 37 of the NDPS Act and he may be enlarged on bail.

4. Accordingly, we direct that the petitioner 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 NDPS Act, Berhampore, Murshidabad, 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.

5. In the event 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.

6. The application for bail is, accordingly, allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)