

23.08.2023.
16.
Ct.No.28.
as
(Allowed)

C.R.M. (NDPS) 1433 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with NDPS Case No.01 of 2023 arising out of Jalangi P.S. Case No.403 of 2022 dated 29.12.2022 under Sections 21(c)/29 of the NDPS Act.

In the matter of : Saryat Mondal @ Sariyat Mondal & Anr.
.... Petitioners.

Mr. Jisan Hossain,
Ms. Chandrima Debnath.

...for the Petitioners.

Mr. Arijit Ganguly,
Mr. Sanjib Kr. Dan.

...for the State.

1. Petitioners are in custody for 38 days. No narcotics was recovered from the petitioners. Co-accused Pintu Molla has been enlarged on bail. They pray for bail.
2. Learned Advocate for the State opposes the bail prayer.
3. We have considered the report. No narcotics was recovered from the petitioners. Co-accused similarly circumstanced with the petitioners has been enlarged on bail.
4. Hence, petitioners have been able to rebut statutory restrictions under Section 37 of the NDPS Act and may be enlarged on bail.
5. Accordingly, the petitioners viz., 1) Saryat Mondal @ Sariyat Mondal and 2) Sarauddin Mondal 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.

6. 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.

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

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)