

24.08.2023
Sl. No.9
akd
[ALLOWED]

C. R. M. (NDPS) 1437 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 18.08.2023 in connection with Jalangi Police Station FIR No.228 of 2022 dated 06.07.2022 under Sections 20(b)(ii)(c)/29 of the NDPS Act. (NDPS Case No.165 of 2022)

And

In Re: ***Jiliash Sk. @ Jilias Sk. @ Juliyas Mondal***

... .. Petitioner

Mr. Aslam Parvez

... .. for the petitioner

Mr. Swapan Banerjee

Mr. Suman De

... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for about 49 days. It is further submitted no narcotics was recovered from his possession. Co-accused similarly circumstanced with the petitioner have been enlarged on bail. Investigation is complete. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the prayer for bail and submits Call Detail Records (CDRs.) show communications between the petitioner and co-accused from whom narcotics was recovered.
3. We have considered the materials on record. We find that no narcotic substance was recovered from the possession of the petitioner. Apart from CDRs. showing communications (*contents whereof are unknown*) with co-accused, no legally admissible evidence is placed on record to implicate him in the crime. In view of the aforesaid 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. Under such circumstances and in view

of the period of detention suffered by him, we are of the opinion further detention of the accused/petitioner is not necessary.

4. Therefore, the accused/petitioner, namely ***Jiliash Sk. @ Jilias Sk. @ Juliyas Mondal***, be released on bail upon furnishing bond of Rs.10,000/- (Rupees Ten thousand only), 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-cum-Additional District Judge, 5th Court, Berhampore, Murshidabad subject to condition that the said petitioner 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 or commit similar offences in future.
5. In the event he fails to appear before the trial court without any justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this court.
6. The application for bail, thus, stands allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)