

29.09.2023
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allowed

CRM (NDPS) No. 1571 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Tehatta Police Station Case No. 507 of 2022 dated 21.06.2022 under Sections 22(C)/25/28/29 of the NDPS Act.

And

In Re : Ainul Haque @ Sujaddin @ Suja Mondal & Anr. petitioners

Mrs. Minoti Gomes

Md. G. N. Imrohi

.....for the petitioners

Mr. Sudip Ghosh

Mr. Bitasok Banerjee

..... for the State

1. Report filed in court be kept on record.
2. Learned Counsel for the petitioners submits they are in custody for 58 days. It is also submitted no narcotics was recovered. Investigation is complete. They pray for bail.
3. Learned Counsel for the State opposes the prayer for bail.
4. We have considered the materials on record. No narcotics was recovered from the possession of the petitioners. Investigation is complete. Under such circumstances, we are of the opinion petitioners have been able to rebut the statutory restrictions under Section 37 of the NDPS Act and they may be enlarged on bail.
5. Accordingly, we direct that the petitioners 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 NDPS Act, Nadia at Krishnagar, subject to further condition that while on bail the petitioners shall remain within the jurisdiction of their respective police stations i.e. Jalangi and Murutia Police Stations except for attending court proceedings and shall report to the officer-in-charge of the concerned police stations once in a week until further orders. They shall appear before the trial court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

6. In the event the petitioners fail to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel their bail automatically without further reference to this Court.

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

(Partha Sarathi Sen, J.)

(Joymalya Bagchi, J.)