

25.09.2023.
08.
Ct.No.28.
as
(Allowed)

C.R.M. (NDPS) 1576 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with NDPS Case No.38 of 2022 arising out of Dhubulia P.S. Case No.201 of 2022 dated 25.05.2022 under Sections 21(C)/29 of the NDPS Act.

In the matter of : **Ainul Haque @ Sujaddin @ Suja Mondal.**
.... Petitioner.

Mr. G. N. Imrohi.

...for the Petitioner.

Mr. Sanjoy Bardhan,
Ms. Baishaki Chatterjee.

...for the State.

1. Petitioner submits no narcotics was recovered from his possession. He has been falsely implicated. He renews his bail prayer.
2. State submits narcotics was recovered from a vehicle. Local witnesses stated the owner of the vehicle Abdul Sabur Mondal had handed over the vehicle to the petitioner for use. CDRs show telephonic conversations between petitioner and co-accused.
3. We have considered the materials on record. Abdul Sabur Mondal is the registered owner of the vehicle wherefrom narcotics was recovered. Onus is on Abdul Sabur Mondal to rebut his complicity in transportation of narcotics. Bail prayer of Abdul Sabur Mondal has been rejected and the petitioner is not the registered owner of the vehicle. Statements of witnesses that he was in control and custody of the vehicle is not supported by contemporaneous document.

4. In view of the nature of evidence collected against the petitioner, we are of the opinion he has been able to rebut statutory restrictions under Section 37 of the NDPS and may be enlarged on bail.

5. Accordingly, the petitioner viz **Ainul Haque @ Sujaddin @ Suja Mondal** 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 the NDPS Act, Nadia at Krishnanagar 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.

6. In the event the 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.

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

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)