

11.10.2023.
02.
Ct.No.28.
as
(Allowed)

C.R.M. (NDPS) 1660 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with NDPS Case No.58 of 2023 arising out of Patiram P.S. Case No.165 of 2023 dated 07.08.2018 under Sections 21(C)/22(C)/23(C)/27A of the NDPS Act.

In the matter of : **Pranto Mondal @ Pranta Mondal @
Pantho Mondal.**

	 Petitioner.
Mr. Kaushik Choudhury.	...for the Petitioner.
Mr. Saryati Datta.	...for the State.

1. Petitioner is in custody for 54 days. It is contended no narcotics was recovered from his possession. He prays for bail.
2. Learned Advocate for the State opposes the bail prayer. He submits CDRs show telephonic conversations between petitioner and co-accused from whom recovery was made.
3. We have considered the materials on record. No narcotics has been recovered from petitioner though CDRs show telephonic conversations between petitioner and co-accused, contents thereof are unknown. During police custody of the petitioner, no incriminating material came to light.
4. Under such circumstances, we are of the opinion petitioner has been able to rebut statutory restrictions under Section 37 of the NDPS Act and may be enlarged on bail.
5. Accordingly, 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 the NDPS Act, Balurghat, Dakshin Dinajpur 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.)