

12.10.2023
sdas/tkm/ct 28
sl no. 15

C.R.M. (NDPS) 1679 of 2023

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Kaliachak P.S case no. 264 of 2023 dated 6.3.2023 under sections 21(c)/29/27A of the NDPS Act
and

Allowed

In Re : Arun Mandal petitioner

Mr. A Karmakar
Mr. A Bhowmick

..... for the petitioner

Mr. Saryati Datta

..... for the State

1. Petitioner submits he is in no way connected with the recovery of narcotics. Owner of the land from where narcotics was recovered has been granted pre-arrest bail. He prays for bail.
2. Learned lawyer for the State opposes the bail prayer. He submits that petitioner is involved in dealing in narcotics.
3. We have considered the materials on record. Apart from the statement of co-accused before police officer which is inadmissible in law no legally admissible evidence is placed on record to show the complicity of the petitioner. Accordingly petitioner has been able to rebut statutory restrictions under section 37 of the NDPS Act and is entitled to bail.
4. It is directed petitioner 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 NDPS Act, Malda on condition that the petitioner shall appear before the trial court on every date of hearing and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

5. In the event he fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this court.

6. The application being CRM (DB) 1679 of 2023 is disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)