

13.10.2023

13
sdas
Allowed

C.R.M. (NDPS) No. 1688 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Domkal Police Station Case No. 31 of 2023 dated 12.01.2023 under Sections 21(b)/29 of the NDPS Act.

And

In Re : Juel Mondal @ Hasibul @ Jweel Mandal petitioner

Mr. Somnath Adhikary

.....for the petitioner

Mr. Swapan Banerjee

Mr. Suman De

....for the State

1. Learned Counsel for the petitioner submits no narcotics was recovered from the possession of the petitioner. He is in custody for 40 days. Investigation is complete. He prays for bail.

2. Learned Counsel for the State opposes the prayer for bail and submits petitioner is the nephew of the co-accused from whom narcotics was seized.

3. We have considered the materials on record. Though petitioner is related to the co-accused his complicity is based on the statement of the said co-accused before police officer which is inadmissible in evidence. Another villager stated petitioner is involved with the co-accused in narcotics business. His statement is general and omnibus and does not relate to the present transaction in question. In view of scanty materials on record we are of the opinion as investigation is complete and

petitioner has been able to rebut the statutory restrictions under Section 37 of the NDPS he may be enlarged on bail.

4. Accordingly, we direct that 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 NDPS Act, Berhampore, Murshidabad, subject to conditions that petitioner 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.

5. In the event the petitioner fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

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

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)