

16.10.2023.
21.
Ct.No.28.
as
(Allowed)

C.R.M. (NDPS) 1703 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with N.-19 of 2023 arising out of Hasnabad P.S. Case No.77 of 2023 dated 27.02.2023 under Section 20(b)(ii)(c) of the NDPS Act.

In the matter of : **Tapas Mondal.**

.... Petitioner.

Mr. Sumanta Chakraborty,
Ms. Kasturi Dutta.

...for the Petitioner.

Mr. Ranabir Roy Chowdhury,
Mr. Mainak Gupta.

...for the State.

1. Petitioner is in custody for two months. He submits no narcotics was recovered from his possession. Investigation is complete. He prays for bail.
2. Learned Advocate for the State opposes the prayer for bail. He submits CDRs show telephonic conversations between petitioner and co-accused from whom 59.49 kgs. of ganja was recovered.
3. We have considered the materials on record. 59.49 kgs. of ganja was recovered from a vehicle. Driver of the vehicle was arrested. CDRs show telephonic conversations between petitioner and the said driver. Contents of the conversation are not known.
4. In view of the scanty materials on record implicating the petitioner in the crime, we are of the opinion he has been able to rebut statutory restrictions under Section 37 of the NDPS

Act. Investigation is complete. Hence, we are inclined to grant bail to the petitioner.

5. Accordingly, the petitioner viz., **Tapas 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, Barasat, North 24-Paraganas 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.)