

21.12.2023
Sl. No.10
akd
[ALLOWED]

C. R. M. (NDPS) 2026 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 06.12.2023 in connection with Hili Police Station Case No.167 of 2023 dated 15.09.2023 under Sections 21(c)/22(c)/23(c)/27A of the NDPS Act. (NDPS Case No. 68 of 2023)

And

In Re: ***Mithun Mandal @ Firdos Mandal***

... .. Petitioner

Mr. Kaushik Chowdhury
Ms. Busra Khatoon

... .. for the petitioner

Mr. Sandip Chakraborty

... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for about 54 days. It is further submitted no narcotics was recovered from his possession. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the prayer for bail.
3. We have considered the materials on record. BSF personnel had apprehended a consignment of narcotics. Co-accused divulged the name of the petitioner before police. Apart from the said statement which is inadmissible in law, no legally admissible evidence connecting the petitioner with the crime has been disclosed. Under such circumstances, we are of the opinion petitioner has been able to rebut the statutory restrictions under Section 37 of the NDPS Act. In view of the aforesaid fact and the period of detention suffered by the petitioner, we are of the opinion further detention of the accused/petitioner is not necessary.
4. Therefore, the accused/petitioner, namely ***Mithun Mandal @ Firdos Mandal***, be released on bail upon furnishing bond of Rs.10,000/- (Rupees Ten thousand only), 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-cum-Additional District Judge, 3rd Court, Dakshin Dinajpur at Balurghat subject to condition that the said petitioner 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 or commit similar offences in future.

5. In the event he fails to appear before the trial court without any justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this court.
6. The application for bail, thus, stands allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)