

19.01.2024
Sl. No.6
akd
[ALLOWED]

C. R. M. (NDPS) 118 of 2024

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 10.01.2024 in connection with Jalangi Police Station Case No.184 of 2023 dated 07.06.2023 under Sections 184/188 of the Indian Penal Code and Sections 21(c)/29 of the NDPS Act. (NDPS Case No.72 of 2023)

And

In Re: ***Bishu Mondal @ Bisu Mondal***

... .. Petitioner

Mr. Arnab Chatterjee
Ms. Dhanasree Biswas
Ms. Poulami Bose

... .. for the petitioner

Ms. Rituparna De Ghose

... .. for the State

1. It is submitted on behalf of the petitioner that BSF personnel had recovered narcotics. Miscreants have fled away. Petitioner has been falsely implicated out of suspicion. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the prayer for bail.
3. We have considered the materials on record. Statements of BSF personnel show they had come to know about the identity of the petitioner from enquiry. However, the source of knowledge is unclear. Statements of local witnesses are also general and omnibus and do not relate to transaction in question. 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, we are of the opinion further detention of the accused/petitioner is not necessary.
4. Therefore, the accused/petitioner, namely ***Bishu Mondal @ Bisu Mondal***, 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, 5th Court, Berhampore, Murshidabad 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.)