

30.01.2024
Sl. No.7
akd
[ALLOWED]

C. R. M. (NDPS) 180 of 2024

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 18.01.2024 in connection with Domkal Police Station Case No.275 of 2022 dated 05.05.2022 under Sections 21(c)/29 of the NDPS Act. (NDPS Case No.111 of 2022)

And

In Re: ***Alauddin Mondal***

... .. Petitioner

Md. Golam Nure Imrohi

... .. for the petitioner

Mr. Soumik Ganguli

... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for about 435 days. It is further submitted no narcotics was recovered from his possession. Co-accused has been granted pre-arrest bail. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the prayer for bail.
3. We have considered the materials on record. We find that no narcotic substance was recovered from the possession of the petitioner and his complicity has transpired from the statement of co-accused before a police officer which is inadmissible in evidence. Co-accused has been granted pre-arrest bail. 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 ***Alauddin 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.)