

06.02.2024
Sl. No.7
akd
[ALLOWED]

C. R. M. (NDPS) 217 of 2024

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 25.01.2024 in connection with Bhimpur Police Station Case No.277 of 2022 dated 13.07.2022 under Sections 21(c)/29 of the NDPS Act. (NDPS Case No.53 of 2022)

And

In Re: ***Safiuddin Mondal***

... .. Petitioner

Mr. Sumanta Das

... .. for the petitioner

Mr. Sandip Chakraborty

... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for more than a year. It is further submitted petitioner is not the owner of the vehicle. Another co-accused viz. Dipankar Saha has been enlarged on bail. Accordingly, he renews his prayer for bail.
2. Learned Advocate for the State opposes the prayer for bail and submits narcotics i.e. 3400 bottles of *phensedyl syrup* were being carried in a Scorpio vehicle. The vehicle stood in the name of one Kanai Saha. Statements of said Kanai Saha and others show petitioner was in possession of the vehicle concerned.
3. We have considered the materials on record. Relying on the statements of Kanai Saha and others bail prayer of the petitioner was rejected earlier. Thereafter, another co-accused viz. Dipankar Saha who is similarly circumstanced with the petitioner has been enlarged on bail by this court. Registration certificate of the vehicle does not stand in the name of the petitioner. His complicity is founded on the statement of the registered owner of the vehicle. Possibility of the owner transferring liability to the petitioner to save himself cannot be ruled out. In view of the slender materials on

record and as co-accused similarly circumstanced with the petitioner has been enlarged on bail, we are of the opinion further detention of the accused/petitioner is not necessary.

4. Therefore, the accused/petitioner, namely **Safiuddin 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, Krishnagar, Nadia 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.)