

29.02.2024  
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allowed

CRM(NDPS) No. 331 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with NCB Crime No. 06/NCB/KOL/2022 dated 06.02.2022 under Sections 21(c)/20(b)(ii)(B)/25/28/29/54 of the NDPS Act.

And  
In Re : Alamgir Mondal ..... petitioner

Sk. Toslim Ali  
....for the petitioner

Mr. Anirban Mitra  
Mr. Arunava Ganguly  
.... for the State

1. Learned Counsel for the petitioner submits he is in custody for one year and one month. No narcotics was recovered from his possession. He prays for bail.

2. Learned Counsel for the NCB opposes the prayer for bail and submits petitioner has criminal antecedents.

3. We have considered the materials on record. Petitioner is in custody for a considerable period of time. No narcotics was recovered from the petitioner. Evidence collected against him are general and non-specific. Under such circumstances, we are of the opinion petitioner has been able to rebut the statutory restrictions under Section 37 of the NDPS Act and he may be enlarged on bail.

4. Accordingly, we direct that the petitioner 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 NDPS Act-cum-Additional District & Sessions Judge, 6<sup>th</sup> Court, Barasat, North 24-Parganas, subject to conditions that petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

5. In the event the petitioner fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

6. The application for bail is, accordingly, allowed.

**(Gaurang Kanth, J.)**

**(Joymalya Bagchi, J.)**