

C. R. M. (NDPS) 462 of 2024

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 01.03.2024 in connection with Kotwali Police Station Case No.777 of 2023 dated 19.08.2023 under Sections 21(c)/29 of the NDPS Act. (NDPS Case No.60 of 2023)

And

In Re: ***Abu Bakkar Mondal & Anr.***

... .. Petitioners

Mr. Sumanta Das

... .. for the petitioners

Mr. Saryati Datta

... .. for the State

1. Heard the learned Advocates appearing for both the parties.
2. Report is placed on record.
3. We have considered the materials on record. No narcotic substance was recovered from the possession of the petitioners. Their complicity has transpired from the statement of co-accused before a police officer which is inadmissible in evidence. Hence, we are of the opinion petitioners have been able to rebut the statutory restrictions under Section 37 of the NDPS Act and may be released on bail however, subject to strict conditions.
4. Therefore, the petitioners, namely ***(1) Abu Bakkar Mondal & (2) Sajal Halder,*** be released on bail upon furnishing bond of Rs.10,000/- (Rupees Ten thousand only) each, 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, Nadia at Krishnagar subject to condition that the said petitioners 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 and on

further condition that the petitioners, while on bail, shall remain within the jurisdiction of Karimpur Police Station and shall report to the Officer-in-charge, Karimpur Police Station once in a week until further orders.

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

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)