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CRM(NDPS) No. 492 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure 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.

In Re : Rahul Mondal

Mr. Jisan Hossain
Ms. Chandrima Debnath
Mr. Snehasish Ghosh
....for the petitioner

Mr. Binay Panda
Mr. Amanul Islam
.... for the State

1. Learned Counsel for the petitioner submits he is in custody for 44 days. No narcotics was recovered from his possession. Co-accused Bishu Mondal has been granted bail. He prays for bail on parity.

2. Learned Counsel 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, source of their knowledge is unclear. Under such circumstances, co-accused Bishu Mondal was enlarged on bail. Petitioner stands on the same footing with the co-accused and is entitled to similar relief.

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 Judge, 5th Court, Berhampore, Murshidabad, 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.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)