

03.04.2024.

11.

Ct.No.28.

as

(Allowed)

C.R.M. (NDPS) 580 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with NDPS Case No.176 of 2014 arising out of Raninagar P.S. Case No.336 of 2014 dated 19.07.2014 under Sections 21(c)/29 of the NDPS Act.

In the matter of : **Sonaton Mondal @ Sanatan Mondal.**

.... Petitioner.

Mr. Ranadeb Sengupta,
Mr. Sachit Talukdar.

...for the Petitioner.

Mr. Adil Badr, Ld. Jr. Govt. Adv.,
Mrs. Sima Biswas.

...for the State.

1. Petitioner is in custody for 72 days. No narcotics was recovered from his possession. He has been falsely implicated. Accordingly, he prays for bail.

2. Learned Advocate for the State opposes the bail prayer. He contends petitioner had absconded for a decade. With regard to abscondence, petitioner submits he is a teacher by profession. He has been attending court proceeding in connection with other cases.

3. We have considered the materials on record. No narcotics was recovered from petitioner. His complicity has transpired from statement of co-accused before police which is inadmissible in evidence. Learned Advocate for the petitioner contends a different address of the petitioner was given in the charge sheet. That apart, petitioner was regularly attending the school and also appearing in other criminal cases registered against him. This shows petitioner was available to the police

authorities during the entire period. But for reasons best known to them warrant was not executed.

4. In view of the aforesaid explanation and as no narcotics was recovered from petitioner, we are of the opinion he has been able to rebut statutory restrictions under Section 37 of the NDPS Act and may be enlarged on bail.

5. Accordingly, the petitioner viz., **Sonaton Mondal @ Sanatan Mondal** 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 the N.D.P.S. Act, Berhampore, Murshidabad subject to condition that he 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.

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

7. This application for bail is, thus, disposed of.

(Gaurang Kanth,J.)

(Joymalya Bagchi, J.)