

C. R. M. (NDPS) 691 of 2024

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 08.04.2024 in connection with Chapra Police Station Case No.151 of 2023 dated 15.03.2023 under Sections 21(c)/29 of the NDPS Act. (NDPS Case No.21 of 2023)

And

In Re: ***Samiul Mondal @ Samirul Mondal & Anr.***

... .. Petitioners

Mr. Soumik Ganguli

... .. for the petitioners

Mr. Rudradipta Nandy .. Id. Addl. Public Prosecutor

Mr. Nazmut Touhid

... .. for the State

1. It is submitted on behalf of the petitioners that they are in custody for about 70 days. It is further submitted no narcotics was recovered from their possession. Accordingly, they pray for bail.
2. Learned Additional Public Prosecutor opposes the prayer for bail and submits Call Detailed Records (CDRs.) show communications between the petitioners and co-accused from whom narcotics was recovered.
3. We have considered the materials on record. We find that no narcotic substance was recovered from the possession of the petitioners. Apart from CDRs. showing communications (*contents whereof are unknown*) with co-accused, no legally admissible evidence is placed on record to implicate the petitioners in the crime. In view of the aforesaid scanty materials on record, we are of the opinion petitioners have been able to rebut the statutory restrictions under Section 37 of the NDPS Act. Under such circumstances and in view of the period of detention suffered by them, we are of the opinion further detention of the petitioners is not necessary.

4. Therefore, the petitioners, namely **(1) Samiul Mondal @ Samirul Mondal & (2) Rakibul Mondal @ Okibul Mondal**, 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, Krishnagar, Nadia 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.
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.)