

24.04.2024
Sl. No.6
akd
[ALLOWED]

C. R. M. (NDPS) 707 of 2024

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 16.04.2024 in connection with Kaliachak Police Station Case No.1359 of 2023 dated 13.10.2023 under Sections 21(c)/27A/29 of the NDPS Act.

And

In Re: **Barun Mandal @ Borun**

... .. Petitioner

Mr. Arup Kumar Bhowmick

... .. for the petitioner

Mr. Joydeep Roy .. Jr. Govt. Advocate

Ms. Suchismita Dutta

... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for about a month. It is further submitted no narcotics was recovered from his possession. Co-accused similarly circumstanced with the petitioner has been granted pre-arrest bail. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the prayer for bail and submits petitioner has criminal antecedents.
3. In response, learned Advocate for the petitioner contends his client is on bail in other cases.
4. We have considered the materials on record. No narcotics was recovered from the possession of the petitioner. His complicity has transpired from the statement of co-accused before a police officer which is inadmissible in evidence. Co-accused similarly circumstanced with the petitioner has been granted pre-arrest bail. Hence, we are of the opinion petitioner has been able to rebut the statutory restrictions under Section 37 of the NDPS Act and may be released on bail however, subject to conditions.

5. Therefore, the accused/petitioner, namely **Barun Mandal @ Borun**, be released on bail upon furnishing bond of Rs.10,000/- (Rupees Ten thousand only), 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-cum-Additional District Judge, 4th Court, Malda subject to condition that the said petitioner 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 petitioner, while on bail, shall meet the Officer-in-charge, Kaliachak Police Station once in a week until further orders.
6. In the event he fails to appear before the trial court without any justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this court.
7. The application for bail, thus, stands allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)