

49. 12.06.2024
Court
No.28 (Tanmoy)

Allowed

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (NDPS) 837 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973, in connection with NDPS Case No. **N 98 of 2020** arising out of **Bongaon Police Station Case No. 352 of 2020**, dated **25.06.2020** under Sections **21(c)/29** of the NDPS Act, 1985.

And

In the matter of: - **Yasin Mondal**

...petitioner.

Mr. Angshuman Chakraborty, Adv.

...for the petitioner.

Mr. Sujoy Sarkar, Adv.

...for the State.

The petitioner says that commercial quantity of codeine mixture was allegedly seized from one Ujjal Mondal @ Babu and one Julfikar Mondal. Case was started against them under the Narcotic Drugs and Psychotropic Substances Act, 1985. The case ended in acquittal of Ujjal and Julfikar.

Although there was no recovery from the petitioner, he was made a co-accused in the matter. He surrendered on April 18, 2024 and since then he is in custody. Now, a *de novo* trial has been ordered. He says that his detention is not necessary at all.

Learned Advocate for the State says that it should be kept in mind that the petitioner was absconding for four years.

We have considered the facts and circumstances of case. The very fact that the trial against Ujjal and Julfikar ended in their acquittal, will at least *prima facie* indicate that the accused

persons have a very good chance of succeeding at the trial. Accordingly, the restriction in Section 37 of the Narcotic Drugs and Psychotropic Substances Act, 1985, may not apply. Hence, we are inclined to allow this application for bail.

Accordingly, we direct that the petitioner, namely, **Yasin Mondal**, shall be released on bail upon furnishing a bond of Rs.25,000/- (Twenty Five Thousand) with two registered sureties of like amount each, one of whom must be local, to the satisfaction of the learned Judge, Special 6th Court (under NDPS Act) Barasat, North 24-parganas, subject to condition that the present petitioner shall appear before the learned Trial Court on each date of substantive hearing subject to the provisions of Section 317 of the Code of Criminal Procedure, 1973. The petitioner shall remain within the jurisdiction of the learned Trial Court till conclusion of trial unless such conditions have been relaxed by the learned Trial Court.

In the event the petitioner fails to adhere to any of the conditions stipulated above without any justifiable cause, the learned Trial court shall be at liberty to cancel the petitioner's bail in accordance with law without further reference to this Court.

The application for bail being CRM (NDPS) 837 of 2024 is accordingly disposed of.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)