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10-06-2024
(ct. no.28)
KOLE
Allowed

CRM (NDPS) 840 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Hogalberia Police Station** Case No. **62 of 2020** dated **21.05.2020** under Sections **21(C)/29** of the NDPS Act.

- A n d -

In the matter of : Giyasiddin Mondal @ Giyasuddin

.... Petitioner.

Mr. Sumanta Das,

... For the Petitioner.

Mr. S. S. Imam,

Mr. A. Verma,

... For the State.

The petitioner says that there was no recovery of contraband items from him. He has been arrested based on a statement made by the co-accused. He has been in custody for 107 days. He should be granted bail.

Learned Advocate for the State says that although nothing was recovered from the petitioner, his complicity in the alleged crime cannot be ruled out.

We have seen the material in the case diary. Since there was no recovery from the petitioner, Section 37 of the NDPS Act may not stand in the way of granting bail to the petitioner. Moreover, investigation has been completed and charge sheet has been filed. No useful purpose will be served by detaining the petitioner in custody.

Accordingly, we direct that the petitioner, namely, **Giyasiddin Mondal @ Giyasuddin**, shall be released on bail upon furnishing a bond of Rs. 25,000/-, with two sureties of like amount

each, one of whom must be local, to the satisfaction of the Learned Judge, Special Court, NDPS, Krishnagar, Nadia and on further conditions that he shall not leave the jurisdiction of the concerned police station and shall report to the Officer-in-Charge of the concerned police station once in a fortnight until further orders. The 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.

In the event the petitioner fails to adhere to any of the conditions stipulated above without justifiable cause, the 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 is, accordingly, allowed.

All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

Signed By :
ABHIJIT KOLE
High Court of
Calcutta
10 th of June
2024 06:11:36
PM

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)