

25.06.2024
Item no. 35.
Court No.28.
AB
(Allowed)

CRM (NDPS) 900 of 2024

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure in connection with Madhyamgram Police Station Case No.463 of 2023 Dated 28.7.2023 under Sections 20B/25 of the NDPS Act

And

In the matter of : Raju Mondal

.....Petitioner.

Mr. Anshuman Chakraborty
Mr. S. S. Saha

.....for the Petitioner.

Ms. Amita Gaur
Mr. Aritra Bhattacharya

.....for the State.

The petitioner says that he is in custody for eight months. There was no recovery of contraband items from him. He has been implicated solely on the basis of statements made by co-accused persons. Charge sheet has been filed upon completion of investigation. He may be released on bail on such conditions as this Court may decide.

Learned Advocate for the State says that the case involves recovery of 759 kilograms of ganja. Learned Advocate says that the petitioner was arrested from the State of Karnataka. However, it is true that there was no recovery from him. He has been implicated only on the basis of statements of co-accused persons. There is every chance of the petitioner's abscondance, if enlarged on bail.

We find that charge has been framed and August 3, 2024, has been fixed as the date for recording of evidence. We are told that there are 33 witnesses. There does not appear to be any possibility of the trial concluding at an early date. In any event, since there was no recovery from the petitioner, we are of the view that the restriction in Section 37 of the NDPS Act would not apply. Hence, we are inclined to grant bail to the petitioner but on stringent conditions.

Accordingly, we direct that the petitioner, namely, **Raju Mondal** 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 under the NDPS Act at Barasat, North 24 Parganas, and on further conditions that he shall not leave the territorial jurisdiction of the District of North 24 Parganas and shall report to the Officer-in-Charge of the Madhyamgram police station once in a week until further orders. He shall furnish his current address to the learned Trial Court.

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 and/or commit any cognizable offence 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.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)