

25.06.2024
Item no.05.
Court No.28.
S. De
(Allowed)

CRM (NDPS) No. 919 of 2024

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure filed on 10.06.2024 in connection with Hili Police Station Case No. 35 of 2023 dated 12.02.2023 under Sections 21(c)/22(c)/23(c)/27A of the Narcotic Drugs and Psychotropic Substances Act.

And

In the matter of : Murshad Mondal @ Mursid Mandal.

.....Petitioner.

Mr. Kaushik Choudhury,
.....for the Petitioner.

Mr. Shekhar Barman,for the State.

The petitioner says that no contraband item was seized from him. He has been implicated on the basis of statement of co-accused. The principal accused has been granted anticipatory bail. The petitioner was taken into police custody but nothing was recovered from him. He is in custody for 66 days. Investigation is complete. Chargesheet has been filed. He prays for bail.

We find from the material on record that prima facie, there is no sufficient material to implicate the petitioner. Excepting statement of the co-accused, there is nothing.

Hence, we are of the opinion that the petitioner has been able to overcome the restriction in Section 37 of the N.D.P.S. Act.

Accordingly, we direct that the petitioner, namely, **Murshad Mondal @ Mursid Mandal** 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 Special Judge under the N.D.P.S. Act at Balurghat, Dakshin Dinajpur and on further conditions that he shall remain within the jurisdiction of the concerned police station.

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.

CRM (NDPS) No. 919 of 2024 is disposed of.

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.)

