

19.06.2024
Item no. 22.
Court No.28.
as
(Allowed)

CRM (NDPS) 935 of 2024

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure in connection with NDPS Case No.04 of 2024 arising out of Asansol (North) Police Station Case No.159 of 2024 Dated 24.03.2024 under Section 21(b)/29 of the NDPS Act.

And

In the matter of : Neroj Kumar Mahato @ Neeraj Kumar Mahato & Anr.

.....Petitioners.

Mr. Asraf Mondal
Md. Bani Israil

.....for the Petitioners.

Mr. Sanjoy Bardhan
Md. Akib Badr

.....for the State.

The petitioners say that there was no recovery of contraband from them. They have been falsely implicated. They are in custody for 86 days. The charge sheet has been filed without obtaining CFSL report. They should be enlarged on bail.

Learned Advocate for the State says that supplementary charge-sheet would be filed upon receipt of the CFSL report. Apart from intermediate quantity of contraband, one motorcycle, one mobile phone and about Rs.1,00,000/- cash were recovered from the petitioners. This could well represent the sale proceeds of the contraband items.

Having considered the facts and circumstances of the case and the materials on record and considering that

intermediate quantity of contraband is involved, the restriction under Section 37 of the NDPS Act will not apply. Further, charge sheet has been filed upon completion of investigation. We are of the opinion that it may not be necessary to detain the petitioner in custody any further.

Accordingly, we direct that the petitioners, namely **Neroj Kumar Mahato @ Neeraj Kumar Mahato and Shijla Devi** shall be released on bail upon furnishing a bond of Rs.25,000/-, each 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 Sessions Judge, 3rd Court, Asansol, Paschim Bardhaman subject to condition that the present petitioners 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 petitioners shall remain within the jurisdiction of the Trial court till conclusion of trial unless such conditions have been relaxed by the learned Trial court.

The petitioners shall not intimidate the witnesses and/or tamper with evidence and/or commit any cognizable offence in any manner whatsoever.

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

The application for bail being CRM (NDPS) 935 is accordingly disposed of.

Criminal Section is directed to supply urgent Photostat certified copies of this order to the parties, if applied for, upon compliance of all necessary formalities.

(Arijit Banerjee, J.)

(Gaurang Kanth, J.)