

19.
16-07-2024
(ct. no.28)
debajyoti
(allowed)

CRM (NDPS) 1068 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with Jalangi Police Station Case No.347 of 2023 dated 17-10-2023 under Sections 21(c)/29 of the Narcotic Drugs and Psychotropic Substances Act.

- A n d -

In the matter of : Akbar Mondal

.... Petitioner.

Mr. Tapodip Gupta

... For the Petitioner.

Mr. Imran Ali,
Mr. Dipankar Paramanick

... For the State.

Report filed by the State be kept with the records.

It appears that more than three months after filing of charge sheet, and about nine months after the contraband item was seized from the petitioner and he was arrested, the State has sent samples for testing only on July 15, 2024. This is grossly irregular. 31 bottles of *Phensedyl* syrup was allegedly seized from the petitioner. The petitioner says that he is in custody for nine months. He should be granted bail.

Learned advocate for the State produces the Case Diary and opposes the prayer for bail.

In our opinion, the inordinate delay in sending the samples for testing waters down the restrictions in Section 37 of the NDPS Act and the petitioner may be granted bail. Since charge sheet has been filed upon completion of investigation, we are inclined to enlarge the petitioner on bail.

Accordingly, we direct that the petitioner, namely, **Akbar Mondal**, shall be released on bail upon furnishing a

bond of Rs.25,000/- (Rupees Twenty Five Thousand), with two local sureties of like amount each, one of whom must be local, to the satisfaction of learned Judge, Special Court under NDPS Act cum Additional District Judge, 5th Court, Berhampore, Murshidabad. The petitioner shall appear before the trial Court on every date of hearing and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever. The petitioner shall not leave the district of Murshidabad except for the purpose of attending the court proceedings and shall report to the Officer-in-Charge of the jurisdictional police station where he would be residing while on bail once in every week, until further orders.

In the event the petitioner fails to comply with any of the conditions stipulated above, the trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

The application for bail being CRM (NDPS) 1068 of 2024 is, thus, **allowed**.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

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

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)