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11-07-2024
(ct. no.28)
S. De
Allowed

CRM (NDPS) 1086 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Krishnagar Kotwali Police Station** Case No. **628 of 2024** dated **13.06.2024** under Sections **20(b)/29** of the NDPS Act.

- A n d -

In the matter of : Mrinal Banerjee @ Bappa.

.... Petitioner.

Mr. Snehansu Mukherjee,

... For the Petitioner.

Mr. Sujoy Sarkar,

... For the State.

The petitioner says that he was not in the car from which commercial quantity of contraband item was seized. There was no recovery from him, even in police custody, excepting his mobile phone. He is in custody for 61 days. He has absolutely no connection with the contraband items seized. He is prepared to co-operate with the investigating officer to the fullest extent. He prays for bail.

Learned advocate for the State while opposing the prayer for bail, in his usual fairness, says that in fact, there was no recovery from the petitioner. There is, as of now, not much material against him which would indicate his complicity in the alleged offence.

In view of the aforesaid, we are of the opinion that the petitioner has been able to rebut the presumption under Section 37 of the N.D.P.S. Act. We are inclined to allow his prayer for bail.

Accordingly, we direct that the petitioner, namely, **Mrinal Banerjee @ Bappa** 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, Nadia, Krishnagar 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 co-operate with the Investigating Officer fully and shall meet him as and when called for. 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.

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)