

33. 16.07.2024
Court
No.28 (Tanmoy)

Allowed

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (NDPS) 1100 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973, in connection with NDPS Case No. **297 of 2014** arising out of **Jalangi Police Station Case No. 858 of 2014**, dated **29.09.2014** under Sections **21(c)** of the NDPS Act, 1985.

And

In the matter of: - **Sariful Islam Mondal @ Charu Mondal @ Saiful Islam Mondal**

...petitioner.

Mr. Joy Chakraborty, Adv.,
Mr. Sandip Dinda, Adv.

...for the petitioner.

Mr. Sojoy Sarkar, Adv.,

...for the State.

The petitioner says that he is in custody in connection with this case for about one year and five months. He has no connection with the alleged offence. There was no recovery from him. He has been implicated on the basis of statement of co-accused person. The principal accused is out on bail.

Learned Advocate for the State produces the case diary which we have gone through. *Prima facie* there does not appear to be any incriminating material against this petitioner insofar as this case is concerned. In our view, the petitioner has been able to rebut the presumptions in Section 37 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

Hence, we are inclined to grant bail to the petitioner in this case.

Accordingly, we direct that the petitioner, namely, **Sariful Islam Mondal @ Charu Mondal @ Saiful Islam Mondal**, shall be released on bail, **if he is not in custody in connection with any other criminal case**, upon furnishing a bond of Rs.25,000/- (Twenty Five Thousand) with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Judge, Special 5th Court (under NDPS Act) Berhampore, Murshidabad, subject to condition that the petitioner shall appear before the learned Trial Court on each and every date of substantive hearing subject to the provisions of Section 317 of the Code of Criminal Procedure, 1973, until further orders and shall not intimidate the witnesses or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to adhere to any of the conditions stipulated above without any justifiable cause, the learned 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 being CRM (NDPS) 1100 of 2024 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.)

(Apurba Sinha Ray, J.)