

CRM (NDPS) 1304 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Hogalberia Police Station** Case No. **354 of 2022** dated **19.11.2022** under Sections **21(C)/29** of the NDPS Act.

- A n d -

In the matter of : Hasan Mondal @ Hasanur Jaman Mondal
.... Petitioner.

Mr. Arnab Chatterjee,
Mrs. D. Biswas,
Mrs. P. Bose,

... For the Petitioner.

Mr. Sujan Chatterjee,

... For the State.

Order dictated by Apurba Sinha Ray, J.:

1. Learned Advocate for the petitioner submits that the petitioner has not been apprehended from the place of occurrence or from the place of seizure and he was not named in the FIR. He is in custody for 150 days and an independent seizure list witness has turned hostile. In view of the same, the petitioner may be granted bail on any condition.

2. Learned Advocate for the State opposes the prayer for bail. However, he has fairly admitted that the independent seizure list witness no. 3 has turned hostile.

3. We have considered the relevant materials on record including the case diary. We find that this is a fit case for granting bail to the petitioner.

4. Accordingly, we direct that the petitioner, namely, **Hasan Mondal @ Hasanur Jaman Mondal**, 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 NDPS Act, Krishnagar, Nadia 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 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.

5. 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.

6. The application for bail is, accordingly, allowed.

7. 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.)