

23.09.2024
Item no.19.
Court No.28.
S. De
(Allowed)

CRM (NDPS) No.1314 of 2024

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure read with Section 483 of Bharatia Nagarik Suraksha Sanhita, 2023, in connection with Raninagar P.S. Case No. 499 of 2014 dated 13.11.2014 under Sections 21(C)/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

And

In the matter of : Ashem Mondal @ Asim Kumar Mondal.

.....Petitioner.

Mr. Jisan Iqubal Hossain,for the Petitioner.

Ms. Sreyashee Biswas,
Ms. Diksha Ghosh,for the State.

Order dictated by Arijit Banerjee, J.

1. The petitioner says that there was no recovery of contraband items from him. He was implicated only on the basis of the statements made by co-accused persons. Such persons are on bail. He is in custody since June 24, 2024. Chargesheet has been filed after completion of investigation. He prays for bail.
2. Opposing the prayer for bail, learned State advocate says that the petitioner was absconding for 10 years. Only after his prayer for anticipatory bail was rejected that he was arrested. She says that November 6, 2024 has been fixed as the date for framing of charge.

3. We have considered the material-on-record and the possible extent of complicity of the petitioner in the alleged offence.
4. On an overall consideration of the facts and circumstances of the case and considering that there was no recovery from him and that statement of co-accused may not be admissible, we are of the view that the petitioner has been able to overcome the restriction in Section 37 of the N.D.P.S. Act. We are inclined to allow the prayer for bail.
5. Accordingly, we direct that the petitioner, namely, **Ashem Mondal @ Asim Kumar Mondal** shall be released on bail upon furnishing a bond of Rs.25,000/- (Rupees Twenty Five Thousand), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Judge, Special Court, under the N.D.P.S. Act Murshidabad at Berhampore and on further condition that the petitioner shall remain within the jurisdiction of the local police station and shall report to the Officer-in-Charge of the said police station once in a fortnight, until further orders and on further condition that the petitioner shall not leave the jurisdiction of Raninagar Police Station within the district of Murshidabad except for attending court proceeding until further orders.
6. The petitioner shall appear before the trial court on each and every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence

and/or commit any cognizable offence in any manner whatsoever.

7. 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.
8. The application for bail is, accordingly, allowed.
9. CRM (NDPS) No. 1314 of 2024 is disposed of.
10. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)