

02.01.2023.
11.
Ct.No.28.
as
(Allowed)

C.R.M. (NDPS) 2070 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Special Case No.93 of 2022 arising out of Hili P.S. Case No.267 of 2022 dated 21.11.2022 under Sections 21(c)/22(c)/23(c)/27A of the NDPS Act.

In the matter of : **Rajib Mondal @ Arif Mondal.**

.... Petitioner.

Mr. Kaushik Choudhury.

...for the Petitioner.

Mr. Ranadeb Sengupta.

...for the State.

1. Petitioner is in custody for 107 days. He submits no recovery of narcotics was made from his possession. He prays for bail.
2. Learned Advocate for State opposes the bail prayer. He submits petitioner has criminal antecedent. He was arrested with a large volume of narcotics. On the basis of materials transpiring during investigation, he was shown arrested in the case.
3. We have considered the materials on record. Petitioner has criminal antecedent but the materials on record collected during investigation in this case do not show he had conscious possession of the narcotics recovered. No other material implicating the petitioner in dealing in narcotics in this case has also transpired during investigation.
4. Under such circumstances, we are of the opinion petitioner has been able to rebut statutory restrictions under

Section 37 of the N. D. P. S. Act and may be enlarged on bail subject to conditions.

5. Accordingly, the petitioner viz., **Rajib Mondal @ Arif Mondal** shall be released on bail upon furnishing a bond of Rs.10,000/- with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Judge, Special Court under the N.D.P.S. Act-cum- Additional District Judge, 3rd Court, Dakshin Dinajpur at Balurghat subject to condition that he shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever and on further condition that the petitioner while on bail shall meet the Officer-in-charge, Hili Police Station once in a week until further orders.

6. In the event the petitioner fails to appear before the Trial Court without any justifiable cause, the trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

7. This application for bail is, thus, disposed of.

(Gaurang Kanth,J.)

(Joymalya Bagchi, J.)