

CRM (NDPS) 176 of 2025

In re: An application for bail under Section 439 of the Code of Criminal Procedure/Section 483 of the BNSS in connection with **Bongaon Police Station** Case No. **526 of 2020** dated **19.09.2020** under Sections **20(b)(ii)(B)/29** of the NDPS Act and Section 14 of the Foreigners Act.

- A n d -

In the matter of : Rajesh Mandal

.... Petitioner.

Mr. Uday Sankar Chattopadhyay,
Mr. Santanu Maji,
Mr. D. Banerjee,
Ms. A. Datta,

... For the Petitioner.

Mr. Antarikhya Basu,
Mrs. Manasi Roy,

... For the State.

Order dictated by Arijit Banerjee, J.:

1. The petitioner says that there was no recovery from him. 15 kgs (intermediate quantity) of ganja was allegedly seized from a co-accused person. He has been falsely implicated on the basis of statement made by a co-accused person. Investigation is complete. Charge sheet has been filed. He is in custody for 53 days. He prays for bail.

2. Learned State Advocate, in his usual fairness, says that having scanned the case diary, what he could find is that the petitioner has been implicated on the basis of statement made by a co-accused person. There is no other material e.g., call details report or money trail connecting the petitioner to the alleged offence.

3. In view of the aforesaid, we are of the view that the petitioner has been able to tide over the restrictions in Section 37 of the NDPS Act.

4. Accordingly, we direct that the petitioner, namely, **Rajesh Mandal**, 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, Barasat, North 24 Parganas 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 remain within the jurisdiction of the Barasat Police Station except for the purpose of attending court proceedings and shall meet the O.C./I.C. of the said Police Station once in a week until further orders.

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.**)