

02.12.2020

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Allowed

**C.R.M. 9464 of 2020
(via video conferencing)**

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Domkal Police Station Case No. 666 of 2015 dated 29.06.2015 under Section 22(c) of the NDPS Act.

And

In Re : Sentu Mondal petitioner

Mr. Somnath Adhikary
.....for the petitioner

Ms. Sukanya Bhattacharyya
Mr. Pradipta Ganguly
....for the State

Learned Counsel appearing for the petitioner submits that his client is in custody for more than 5 years and there is little possibility of the trial concluding in the near future.

Learned Counsel appearing for the State opposes the prayer for bail.

In view of the directions given by the Hon'ble Apex Court in ***Supreme Court Legal Aid Committee vs. Union of India*** reported in ***(1994)6 SCC 731*** and in the light of the protracted period of detention already suffered by the petitioner, we are of the opinion that the petitioner may be granted bail.

Accordingly, we direct that the petitioner shall be released on bail upon furnishing a bond of Rs.1,00,000/- with five sureties of Rs.20,000/- each, one of whom must be local, to the satisfaction of the learned Judge, Special Court under NDPS

Act, Murshidabad, subject to the condition that 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.

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

The application for bail is, accordingly, allowed.

(Suvra Ghosh, J.)

(Joymalya Bagchi, J.)