

01.03.2021

Item No.29

Ct.No.28

dc.

Allowed

C.R.M. 612 of 2021

(Via Video Conference)

In Re : An Application for bail under Section 439 of the Code of Criminal Procedure.

And

In Re : **Swapan Mandal & Ors.**

... Petitioners.

Mr. Mounick Ghosh

... For the Petitioners.

Mr. Sanjoy Bardhan,
Ms. Manisha Sharma

... For the State.

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioners in connection with Special Case No. 34/2016 (ref:- S.I.'s S.L. No. 94/15-16 dated 19.01.2016) of Excise, Manikchak Circle, Malda under Sections 18(c)/8(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

The learned advocate appearing for the petitioners submits that the petitioners are innocent of the charges and have been falsely implicated on the basis of certain land inherited by them. The learned advocate further submits that the petitioners are not aware regarding the cultivation and have been implicated in the instant case in the charge-sheet which has already been filed. He also submits that similarly placed accused persons have already been granted bail.

Mr. Bardhan, learned advocate appearing for the State opposes the prayer for bail and submits that the petitioners have been evading the process of law for a considerable period of time.

Having heard the learned advocates appearing for the parties and considering the materials in the case diary as also the period of custody of the present petitioners which is about 100 days and similarly placed accused person who have been granted bail in CRM 484 of 2020 on 15.01.2020, we are inclined to grant bail to the petitioners. As such, petitioners' prayer for bail is allowed.

Accordingly, we direct that the petitioners, namely, 1. **Swapan Mandal**, 2. **Nejamuddin Sekh @ Nejamuddin Sk.**, 3. **Serajul Seikh @ Serajul Sk.** and 4. **Dhirendra Nath Mandal @ Dhirendranath Mandal** shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only) each, with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Special Judge, Additional District Judge, 4th Court, Malda and on further condition that while on bail, the petitioners shall meet with the Officer-in-Charge of Kaliachak Police Station once a week until further orders.

With the aforesaid observations, the application for bail, being CRM 612 of 2021, is disposed of.

All parties shall act on the server copies of this order duly downloaded from the official website of this Court.

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)