

CRM 3231 of 2021

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on **08.04.2021** in connection with **Mekhliganj** P.S. Case No. **15/2021** dated **21.01.2021** under Sections **18(C)/25/29** of the NDPS Act, 1985.

And

In the matter of: **Saroj Kumar Mandal & Anr.**

....Petitioners.

Ms. Madhushri Dutta

...for the Petitioners.

Mr. N. Ahmed

...for the State.

It is submitted on behalf of the petitioners that the alleged recovery is to the tune of 640 grams opium, which is below commercial quantity. It is further submitted that the petitioners are in custody for about 9 months 16 days.

Learned lawyer for the State opposes the prayer for bail and submits that the petitioners hail from Bihar and there is likelihood that they may abscond.

We have considered the materials on record. The alleged recovery is below commercial quantity and investigation is complete. The petitioners are in custody for over 9 months. Under such circumstances, balancing the gravity of the offence against the period of detention suffered by the petitioners, we are inclined to grant bail subject to conditions.

Let the petitioners be released on bail upon furnishing a Bond of Rs. 10,000/-, each with two sureties of like amount each, one of whom must be local, to the satisfaction of the Learned Judge, Special Court under the NDPS Act, Cooch Behar subject to the condition that during bail the petitioners shall remain within the district of Cooch Behar and provide their addresses to the Officer-in-charge of Mekhliganj Police Station as

well as the Court below and report the concerned Officer-in-Charge once in a week and they shall appear before the learned trial court regularly on every date of hearing and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event the petitioners fail to comply with the conditions as enshrined hereinbefore, it is open to the trial court to cancel the bail without any further reference to this Court.

The application for bail is, thus, disposed of.

(Aniruddha Roy, J.)

(Joymalya Bagchi, J.)