

30.07.2021

Court No.28
Item No.08
(Allowed)

Akd
&
As

CRM 3335 of 2021
(Via Video Conference)

In Re:- An application for bail under section 439 of the Code of Criminal Procedure filed in connection with Malda Police Station Case No. 463/2020 dated 29.08.2020 under Sections 21(c) and 29 of the Narcotic Drugs and Psychotropic Substances Act (Special Case No. 67 of 2020)

And

In the matter of : **Swapan Mandal & Anr.**

...Petitioners

Mr. Partha Ghosh,
Mr. Amal Kumar Dutta,
Mr. Sagar Saha.

...For the Petitioners

Mr. Sudip Ghosh,
Mr. Apurba Dutta.

...For the State.

The petitioners have filed the instant application for bail under Section 439 of the Code of Criminal Procedure after being arrested in connection with Malda Police Station Case No. 463/2020 under Sections 21(c) and 29 of the Narcotic Drugs and Psychotropic Substances Act.

The petitioners seek bail on the ground of parity. It is submitted that the co-accused, who stands on the same footing that of the petitioners, had been enlarged on bail by this Court in CRM 1372 of 2021 on 25th March, 2021.

Learned Advocate appearing for the State opposes the prayer for bail. It is submitted that initially the statutory bail was granted to the petitioners, as the charge sheet was not filed within the statutory period of limitation provided therefor. However, after detecting the mistake of facts that the charge sheet was filed within the statutory period of limitation, the order was suo motu recalled. It is thus submitted that the instant application should not be allowed.

After hearing the respective submissions of the parties and perusing the materials on record and the fact that the similarly circumstanced person had been enlarged on bail by this Court, we do not think that the petitioner should be treated differently.

In view of the above, we are inclined to release the petitioner on bail.

Accordingly, the petitioners, **Swapan Mandal and Rakesh Mandal**, shall be released on bail upon furnishing a bond of Rs.10,000 /- (Rupees Ten Thousand) each, with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Judge, Special 3rd Court, Malda, under the NDPS Act.

The application for bail, being CRM 3335 of 2021, is thus **disposed of**.

(Harish Tandon, J)

(Bibek Chaudhuri, J.)