

27.07.2021
Item no.14.
Court No.32.
AB (s)
(Allowed)

(Via Video Conference)

CRM No. 3559 of 2021

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure filed on 22.04.2021 in connection with Nowda Police Station Case No.76 of 2021 Dated 12.3.2021 under Section 20(b)(ii)(B) of the NDPS Act

And

In the matter of : Swapan Mondal

.....Petitioner.

Ms. Minoti Gomesfor the Petitioner.

Mr. Binay Kr. Panda,
Ms. Pushpita Saha,
Mr. S. K. Bhagatfor the State.

It is submitted on behalf of the petitioner that the petitioner is in custody for about 135 days and contraband (ganja) below commercial quantity was stated to have been recovered from his possession. Trial has not progressed and there is little chance of conclusion of trial at an early date.

Learned Counsel for the State opposes the prayer for bail and refers to the relevant documents in the case diary.

Upon consideration of the material on record, we are inclined to hold that as contraband below commercial quantity was stated to have been recovered from the petitioner and

charge sheet has been submitted and also as there is little chance of conclusion of trial in near future and in view of the period of detention suffered by the petitioner, we are inclined to hold that further detention of the petitioner is not necessary and he may be granted bail.

Accordingly, we direct that the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- 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 at Berhampore at Murshidabad, and on further conditions that he shall remain within the jurisdiction of the concerned police station and shall report to the Officer-in-Charge of the concerned police station once in a fortnight until further orders.

The 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 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.

The application for bail is, accordingly, allowed.

All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Suvra Ghosh, J.)

(Arijit Banerjee, J.)

