

04.08.2021

Sl. No. 31

Srimanta

Ct. No. – 28

D/L

CRM/3617/2021

(Via Video Conference)

In Re : An application for bail under Section 439 of the Code of Criminal Procedure, 1973 against the order dated 01.03.2021 passed by the learned Special Judge, 3rd Court, Malda under N.D.P.S. Act (in-charge) rejected thereby prayer for bail of the accused/petitioner vide Special Case No.34 of 2016 arising out of S.I.'s Sl. No.51/2015-16 dated 09.02.2016 under Section 18C of the N.D.P.S. Act.

In the matter of : . Ansu Karmakar @ Ashu Karmakar
... petitioner.

Mr. Kallol Mondal
Mr. Alam Sk.
Mr. Krishan Ray
Ms. Amrita Chel
Mr. Souvik Das
Ms. Anamita Banerjee

...for the petitioner.

Mr. Arijit Ganguly
Mr. Avik Ghatak

...for the State.

The petitioner is languishing in jail for nearly 293 days in connection with the aforementioned case where the similarly circumstanced co-accused persons have already been enlarged on bail and some of them have got anticipatory bail. The case has been registered after noticing the cultivation of poppy plant and the petitioner claims to be labour contractor. The raiyat of the respective plot of lands have already been enlarged on bail and, therefore, we do not feel that further custody of the petitioner is inevitable.

Accordingly, the petitioner, namely, Ansu Karmakar @ Ashu Karmakar is released on bail upon furnishing a bond of

Rs.10,000/-(Rupees Ten Thousand only) with two sureties of like amount each, one of whom must be local, to the satisfaction of the Learned Special Judge, 3rd Court, Malda under N.D.P.S. Act (in-charge) on condition that the petitioner shall not leave within the jurisdiction of Habibpur Police Station, Malda where the case has been launched. However, the petitioner shall disclose his place of residence to the Officer-in-Charge of Habibpur Police Station on being released from the Correctional Home and shall meet the Officer-in-Charge of the concerned Police Station where he would be living on every weekend and he will not tamper the evidence and intimidate the witnesses to be examined during trial. The aforesaid conditions shall be relaxed only for the purpose of attending the Court when the matter would be listed. In default of the conditions so put, it would be open to the concerned Judge to pass an appropriate order as the situation may warrant without any further reference to this Court.

As such, the prayer for bail is **allowed**.

The application being CRM 3617 of 2021 is, accordingly, **disposed of**.

(Bibek Chaudhuri, J.)

(Harish Tandon, J.)