

(Via Video Conference)

CRM 4009 of 2021

In re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Special Case No. 27 of 2016** dated **06.02.2016** under Sections **18 (c)** of the NDPS Act.

- A n d -

In the matter of : Sudhir Mandal & anr.

.... Petitioners.

Ms. Minoti Gomes
Mr. Kalidas Saha

... For the Petitioners.

Mr. Binay Kr. Panda
Mr. Nirupam Dhali
Mr. Palash Chandra Majhi

... For the State.

The petitioners are two out of 53 accused persons.
The charge is under Section 18 (c) of the N.D.P.S. Act read with Section 8 (b) thereof.

We have considered the material in the case diary.
17 co-accused persons who appear to be similarly circumstanced as the present petitioners have been granted anticipatory bail by Co-ordinate Benches of this Court. The petitioners claim parity.

On an overall assessment of the facts and circumstances of the case and in view of the fact that the petitioners have been in custody 262 days and charge-sheet has been submitted, we are of the opinion that further custodial detention of the petitioners is not necessary.

Accordingly, we direct that the petitioners will 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 N.D.P.S. Act, Malda and on further conditions that they will not leave the jurisdiction of the concerned police station and will report to the Officer-in-Charge of the concerned police station once in a fortnight until further orders. The petitioners will 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 petitioners fail to adhere to any of the conditions stipulated above without justifiable cause, the trial court shall be at liberty to cancel the petitioners' 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.)