

23.08.2021
Item no. 71
Court No.32.
S.De.
(Allowed)

(Via Video Conference)

CRM 4372 of 2021

In Re: An application for Bail under Section 439 of the Code of Criminal Procedure filed on 29.06.2021 in connection with Baishnabnagar Police Station Case No. 662 of 2020 dated 24.11.2020 under Section 4/5 of Explosive Substance Act.
And

In the matter of : Niton Mandal @ Liton @ Manab.

.....Petitioner.

Mr. Amitabha Karmakar, Advocate,
Mr. Arup Kr. Bhowmick, Advocate,

.....for the Petitioner.

Mr. Saibal Bapuli, Ld. APP,
Mr. Soumik Ganguli, Advocate,

.....for the State.

The petitioner has been booked under Sections 4/5 of the Explosive Substance Act. He says that eighteen hundred grams of ash coloured powder was seized from the joint possession of him and another person. The Chemical Analysis Report is not yet available. Charge sheet has been filed. He is in custody for about nine months.

The State says that the seized substance was sent for forensic analysis on 13th December, 2020. In spite of following up the matter, the report has not yet been made available by the C.F.S.L.

We have considered the facts and circumstances of the case and the material on record. Charge sheet has been filed. The petitioner has been in custody for quite some time. His further custodial detention will serve no useful purpose.

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 Chief Judicial Magistrate, Malda and on further conditions that he shall remain within the jurisdiction of the concerned police station and he 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.)