

10.09.2021

TN/ct 32

sl no. 34

CRM 5824 of 2021

In Re : An application for bail under Section 439 of the Code of Criminal Procedure filed on 31.08.2021 in connection with Balurghat Police Station Case No.954 of 2014 dated 12.12.2014 under Sections 21(c)/22(c)/23(c)/27A of the NDPS Act, 1985.

And

In Re : Akshya @ Akhya Mali

..... petitioner

Ms. Jeenia Rudra

..... for the petitioner

Mr. Rana Mukherjee,

Mr. Samik Ganguli,

Ms. Debjani Sahu

..... for the State

This is an application for bail under Section 439 of the Code of Criminal Procedure filed on behalf of the petitioner.

Learned counsel for the petitioner prays for bail of the petitioner on the ground of his long detention and on her further contention that no incriminating material was seized from the petitioner's possession. Learned counsel submits that the petitioner is in custody for one year and six months and the co-accused person in this case has already been granted bail.

Learned Additional Public Prosecutor opposes the prayer for bail and submits that the petitioner was absconding for over six years.

Perused the records and the case diary.

Considered the submissions made by learned counsel for both the parties.

It appears from the case diary that there was no seizure from the possession of the petitioner and the co-accused, namely, Chhoton Singh, has already been granted bail by a co-ordinate Bench of this court on 23.03.2015.

In such circumstances, further detention of the accused is not necessary, more so, in view of the fact that charge-sheet has already been submitted.

Hence, the application for grant of bail is allowed.

Accordingly, the petitioner, namely, Akshya @ Akhya Mali, 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 Special Judge (under NDPS Act)-cum-Additional District & Sessions Judge, Third Court, Dakshin Dinajpur at Balurghat, and on further condition that the petitioner shall appear before the trial court on every date fixed for hearing.

In the event the petitioner fails to appear before the trial court without cogent reasons, the trial court shall be at liberty to cancel his bail without further reference to this court.

Moreover, the petitioner shall not make any inducement, threat or promise to any person acquainted with the facts and circumstances of the case so as to dissuade such person from disclosing such facts to any police officer or court and/or tamper with evidence.

Let a copy of this order be communicated to the Special Judge (under NDPS Act)-cum-Additional District & Sessions Judge, Third Court, Dakshin Dinajpur at Balurghat.

Accordingly, the application being CRM 5824 of 2021 is disposed of.

(Sabyasachi Bhattacharyya, J.)

(Ananda Kumar Mukherjee, J.)