

06.01.2022
Sl. No.61
Aloke
Ct. No. 29

C. R. M. (NDPS) 14 of 2022

[Via Vide Conference]

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 24.12.2021 in connection with Khardah Police Station Case No. 620 of 2017 dated 22.08.2017 under Sections 20(b) of the NDPS Act.

And

In Re: **Sumit Mondal @ Sumit Kr. Mondal @ Chattu @ Chottu**
... .. Petitioner

Mr. Koustav Bagchi, Advocate
Mr. Debayan Ghosh, Advocate
... .. for the petitioner

Mr. Sanjay Bardhan, Advocate
Mr. Palash Ch. Majhi, Advocate
... .. for the State

It is submitted on behalf of the petitioner that he is in custody for 861 days. It is submitted that he was on bail and due to miscommunication was unable to appear before the Court below. Warrant of arrest was issued and he was re-arrested. He prays for bail.

Learned Advocate appearing for the State opposes the prayer for bail.

We have considered the materials on record and keeping in mind the facts and circumstances of the case and the period of detention already suffered by the petitioner, we are of the opinion that petitioner may be enlarged on bail however subject to strict conditions.

Therefore, the accused/petitioner be released on bail upon furnishing 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 Additional Chief Judicial Magistrate,

Barrackpore, North 24 Parganas, subject to condition that the petitionenr shall remain within the jurisdiction of Khardah P.S. except for attending the court proceedings until further orders and on further condition that the petitioner shall appear before the trial court on every date of hearing and shall not intimidate witnesses or tamper with evidence in any manner whatsoever or commit similar offences in future.

In the event the petitioner fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this court.

The application for bail, thus, stands **allowed**.

(Joymalya Bagchi, J.)

(Bibhas Ranjan De, J.)