

10.03.2022
Item no. 04
Court No.32
Avijit Mitra

C.R.M. (NDPS) 166 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure;

And

In Re : Sanjay Mandal & anr.

.... petitioners

Mr. Avinaba Patra,
Mr. Partha Sarathi Das,
Ms. Souraja De

....for the petitioners

Mr. Sanjoy Bardhan,
Mr. Palash Chandra Majhi

..... for the State

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioners in connection with Kaliachak Police Station Case No.896 of 2021 dated 27.08.2021 under sections 21(C)/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

Heard the learned advocates appearing for the respective parties and considered the materials in the case diary.

It appears that no contraband substance above commercial quantity was recovered from the possession of the petitioners and that their names have transpired on the basis of the statement of the co-accused before a police officer, which is inadmissible in evidence. As such, the statutory restrictions are not attracted. The petitioner has already suffered detention for a period of 183 days. In view thereof, we are of the opinion that further detention of the petitioners is not necessary.

Accordingly, we allow this application and direct that the petitioners namely, **Sanjay Mandal and Esob Sk. @ Yosub Sk @ Yousuf Sk.**, shall 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 Additional Sessions Judge, 4th Court, Malda designated under the NDPS Act, with a further condition that the petitioners shall meet with the Investigating Officer once a fortnight till investigation is complete.

It is further directed that the petitioners shall attend the learned court below on all the dates as specified for hearing and shall not intimidate the witnesses or tamper with evidence in any manner whatsoever.

It is made clear that in the event the petitioners fail to comply with the aforesaid directions without any justifiable cause, the learned trial court would be at liberty to cancel the petitioners' bail without any further reference to this Court.

The application for anticipatory bail being C.R.M. (NDPS) 166 of 2022 is disposed of.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Sugato Majumdar, J.)

(Tapabrata Chakraborty, J.)

