

29.07.2022.
07.
Ct.No.28.
as
(Allowed)

C.R.M. (NDPS) 851 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Special Case No.37 of 2016 arising out of Kaliachak P. S. Case No.29 of 2016 dated 22.01.2016 under Section 18 of the N.D.P.S. Act.

In the matter of : Sri Parimal Mandal.

.... Petitioner.

Mr. Sudip Banerjee,
Mr. Sanjoy Kr. Das.

...for the Petitioner.

Mr. Tapan Deb Nandy,
Mr. Antarikhya Basu.

...for the State.

Liberty is given to the learned Advocate-on-record of the petitioner to correct the cause title of the petition.

Heard the learned Counsels appearing on behalf of the parties.

Petitioner is in custody for 77 days. He submits that the land stood in the name of his father who is no longer alive. He was a mere student at the time of occurrence and did not play any role in the cultivation of the land. He further submits that the land is a mango orchard.

Learned Advocate appearing for the State opposes the prayer for bail. He submits petitioner and his father cultivated poppy on the land in question. He had absconded for six years.

We have considered the materials on record. Land where the poppy cultivation was alleged stood in the name of the

father of the petitioner. It is contended petitioner was a student at the time of occurrence in 2016. He was unaware of the registration of the present case. Subsequently, he has been arrested. His father is no longer alive.

Keeping in mind the extent of complicity of the petitioner in the light of the submission that he was a student in 2016 and the land stood in the name of his father, we are inclined to grant bail to the petitioner subject to strict condition.

Accordingly, 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 Judge, Special Court under N.D.P.S. Act, Malda subject to condition that the petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever and on further condition that the petitioner shall meet the Investigating Officer once in a month until further order.

In the event the petitioner fails to appear before the Trial Court without any justifiable cause, the trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

This application for bail is, thus, disposed of.

(Ananya Bandyopadhyay,J.)

(Joymalya Bagchi, J.)

