

03.11.2022
Sl. No.7
akd
[ALLOWED]

C. R. M. (NDPS) 1177 of 2022

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 22.09.2022 in connection with S.I.'s S.L. No.45/15-16 dated 20.01.2016 under Section 18(c) of the NDPS Act.

And

In Re: ***Prafulla Mandal @ Parafulla Mandal @ Praphulla Mandal***
... .. Petitioner

Mr. Mazhar Hossain Chowdhury
Ms. Mobashshara Alam
... .. for the petitioner

Mr. Ranabir Roy Chowdhury
Mr. Sandip Chakraborty
... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about 131 days.

Learned advocate appearing for the State opposes the prayer for bail and submits petitioner had absconded for a protracted period of time.

We have considered the materials on record. The case involves cultivation of *poppy* and restrictions under Section 37 of the NDPS Act are not attracted to the facts of the case. In view of the facts and circumstances of the case, we are of the opinion further detention of the accused/petitioner may not be necessary but his movement requires to be restricted in order to ensure regular attendance before the court.

Therefore, the accused/petitioner, namely ***Prafulla Mandal @ Parafulla Mandal @ Praphulla Mandal***, 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 Judge, Special Court under the NDPS Act-

cum-Additional Sessions Judge, 3rd Court, Malda subject to condition that the said 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 or commit similar offences in future and on further condition that the petitioner, while on bail, shall not leave the jurisdiction of Kaliachak Police Station except for the purpose of investigation and/or for attending court proceedings and shall report to the Officer-in-charge of the said police station once in a week until further orders.

In the event he 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**.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)