

14.12.2022
Sl. No.9
akd
[ALLOWED]

C. R. M. (NDPS) 1483 of 2022

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 08.12.2022 in connection with Kaliachak Police Station Case No. 163 of 2014 dated 07.03.2014 under Sections 18/21 of the NDPS Act. (NDPS Case No.06 of 2014)

And

In Re: ***Jadu @ Jadunath Mandal***

... .. Petitioner

Mr. Avinaba Patra

... .. for the petitioner

Mr. T. D. Nandy
Mr. Antarikhya Basu

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about 450 days. It is further submitted he was enlarged on bail. Due to miscommunication, he failed to appear and warrant of arrest came to be issued. He was rearrested on September, 2021. There is delay in the trial of the case.

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

We have considered the materials on record. Petitioner was on bail earlier. Narcotics recovered from him is of intermediate quantity. Trial court is lying vacant. Possibility of trial concluding in near future is bleak. Under such circumstances and in view of the period of detention suffered by the petitioner, we are of the opinion further detention of the accused/petitioner is not necessary and he may be enlarged on bail however, subject to conditions .

Therefore, the accused/petitioner, namely ***Jadu @ Jadunath 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 District & Sessions Judge, 4th 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 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 any 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.)