

03.5.2023
Court
No.236
Item no.56
B.M.J.R

C.R.R. 1267 of 2011
Rajesh Jaiswal @ Dabbu and Ors
Vs.
The State of West Bengal

Mr. Bidyut Kumar Ray
Mr. Pratick Bose

... For the petitioners

This revisional application challenges the order passed by the learned Judge, Special Court, 2nd Court of Additional Sessions Judge, Malda modifying thereby the appellate order dated 3.1.2011 imposing thereby further condition that out of the two sureties, one must be local having sufficient landed properties.

None is appearing on behalf of the petitioners. I do not find any reason to adjourn the matter which is pending for nearly twelve years.

Briefly stated, the petitioners have been rounded up by police on the allegation that they were dealing with Narcotic Drugs and Psychotropic Substances. 9.10 kgs of ganja were recovered from their possession. They were admitted on statutory bail by the learned Special Court, Malda on 3.1.2011 on furnishing bond of Rs. 5000/- with two sureties of 2,500/- each to the satisfaction of learned Chief Judicial Magistrate, Malda. Subsequent thereto, on 15th of March, 2011 learned Public

Prosecutor representing the State in the proceeding approached the learned Judge, Special Court, Malda to modify the said order on the ground that the accused persons are not resident of West Bengal and, accordingly, on 30th March, 2011 learned 2nd Court, Malda as Special Judge, Narcotic Drugs and Psychotropic Substances case, modified the condition of bail by holding inter alia, that “accused persons cannot be released on bail unless any local surety came forward to take up the risk of their attendance before the Court.” A surety can be any person who is a citizen of this country having fixed place of abode. This finding of learned Special Court, 2nd Court, Malda is unwarranted and utterly illegal. The impugned order dated 30th March, 2011 can not be allowed to remain in force and should be set aside, which I accordingly do.

The revisional application is thus disposed of.

Copy of this order be sent down to the learned trial court for information.

(Siddhartha Roychowdhury, J.)