

26.09.2023
Sl. No.23
akd
[ALLOWED]

C. R. M. (NDPS) 1593 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 21.09.2023 in connection with NCB Crime No.43/NCB/KOL/2016 under Sections 21(c)/29 of the NDPS Act.

And

In Re: ***Ruban Mohana Sundaram***

... .. Petitioner

Mr. Arnab Chatterjee
Mr. Amanul Islam
Mr. Sourav Mukherjee
Ms. Poulami Bose
Mr. Arka Chakraborty

... .. for the petitioner

Mr. Arun Kumar Maiti
Mr. Sagar Saha

... .. for the NCB

1. It is submitted on behalf of the petitioner that he is in custody for about 180 days. It is further submitted due to miscommunication petitioner was unable to appear before the court below and warrant of arrest came to be issued. There is no possibility of trial concluding in the near future. Accordingly, he prays for bail.
2. Learned Advocate for the NCB opposes the prayer for bail and submits another co-accused has also absconded.
3. We have considered the materials on record. Petitioner hails from a different country. However, there is no possibility of trial concluding in the near future. Under such circumstances, we are of the opinion further detention of the petitioner is not warranted and his attendance during trial may be ensured by subjecting him to strict conditions.
4. Therefore, the accused/petitioner, namely ***Ruban Mohana Sundaram***, be released on bail upon furnishing bond of Rs.50,000/-

(Rupees Fifty thousand only), with five sureties of Rs.10,000/- each, two of whom must be local, to the satisfaction of the learned Judge, Special Court under the NDPS Act-cum-Additional District & Sessions Judge, 6th Court, Barasat, North 24-Parganas 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 remain within the district of North 24-Parganas and shall provide the address where he shall presently reside to the Investigating Agency as well as the court below and shall report to the Officer-in-charge of the police station concerned within whose jurisdiction he shall presently reside once in a week until further orders. Prior to his release, he shall deposit his passport, if any, before the court below.

5. 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.
6. The application for bail, thus, stands allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)