

18.10.2023
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allowed

CRM(NDPS) No. 1717 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Kaliachak Police Station Case No. 646 of 2022 dated 20.06.2022 under Sections 21(c)/29 of the NDPS Act.

In Re : Sajal Mandal @ Fuku And
..... petitioner

Mr. Arup Kumar Bhowmick
....for the petitioner

Mr. Ranabir Roychowdhury
Mr. Sandip Chakraborty
..... for the State

1. Learned Counsel for the petitioner submits he is in custody for 230 days. No narcotic substance was recovered from his possession. He prays for bail.
2. Learned Counsel for the State opposes the prayer for bail.
3. We have considered the materials on record. No narcotics was recovered from the possession of the petitioner. Co-accused, similarly circumstanced with the petitioner, has been enlarged on bail. Under such circumstances, we are inclined to extend the same privilege to the petitioner also.
4. Accordingly, we direct that 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 Chief Judicial Magistrate, Malda, subject to the conditions that petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate

the witnesses and/or tamper with evidence in any manner whatsoever or commit similar offences in future.

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

6. The application for bail is, accordingly, allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)