

C. R. M. (NDPS) 534 of 2024

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 11.03.2024 in connection with Kaliachak Police Station Case No.346 of 2023 dated 21.03.2023 under Sections 21(c)/29 of the NDPS Act. (NDPS Case No.43 of 2023)

And

In Re: ***Prafulla Mandal***

... .. Petitioner

Md. Wasim Akram

... .. for the petitioner

Mr. Saryati Datta

... .. for the State

1. Heard the learned Advocates appearing for both the parties.
2. Report is placed on record. From the report it appears petitioner had suffered brain stroke in custody and is undergoing treatment. He is in custody for about 372 days. Trial has not commenced as yet.
3. We have considered the materials on record. Though allegations involve recovery of narcotics i.e. 306 gms. of *brown sugar*, which is above commercial quantity, we note petitioner is in custody for more than a year and is suffering from serious ailments. There is no chance of abscondence. In view of the health condition of the petitioner and as trial has not commenced till date, we are of the opinion further detention of the accused/petitioner is not necessary.
4. Therefore, the accused/petitioner, namely ***Prafulla 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 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.

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.

(Partha Sarathi Sen, J.)

(Joymalya Bagchi, J.)