

01
10-07-2024
(ct. no.28)
KOLE
Allowed

CRM (NDPS) 863 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Chandipur Police Station** Case No. **226 of 2022** dated **22.06.2022** under Sections **20(b)(ii)(C)/29** of NDPS Act.

- A n d -

In the matter of : Sanjib Singh

.... Petitioner.

Mr. Uday Sankar Chattopadhyay,
Ms. Trisha Rakshit,
Ms. Rajarshree Tah,
Ms. A. Dutta,

... For the Petitioner.

Mr. A. Ahmed Siddiqui,

... For the State.

Order dictated in open Court by Apurba Sinha Ray, J.

Initially we dictated this order in open court rejecting the bail prayer of the present petitioner. However, the said order was not signed by us as we had some doubt in our mind.

After going through the materials once again, we have changed our view. We are of the opinion that the petitioner is entitled to bail.

Learned Counsel for the petitioner submits that the petitioner is in custody for 256 days on the ground that he has misused the liberty granted by this Hon'ble Court. But the fact remains that as the petitioner was in custody in connection with another case, he could not make himself available during hearing of the relevant case before the learned Trial Court.

Learned Counsel for the State submits that the petitioner has misused the liberty granted to him by this Court on several

occasions and there is chance of his further absconcion, if he is enlarged on bail.

We have considered the materials on record as well as the learned Trial Judge's order and we find that the learned Trial Court has specifically mentioned in its order dated 07.12.2023 (later) that the petitioner has misused his liberty on several occasions and did not comply with the directions of this Court, but the learned Trial Court has failed to consider that the accused was all along present in the court during hearing and remained absent on some of the days on the strength of adjournment petitions. The record further reveals that the accused could not appear before the Court from 15.03.2023, as he was arrested in another case on 04.03.2023.

In view of the above, we are inclined to allow his prayer for bail as we are satisfied that there was sufficient reason for his non-appearance before the Trial Court.

Accordingly, we direct that the petitioner, namely, **Sanjib Singh**, shall be released on bail upon furnishing a bond of Rs. 5,000/-, with one registered surety of like amount, to the satisfaction of the Learned Judge, Special Court under the NDPS Act, Tamruk, Purba Medinipur and on further conditions that he shall not leave the jurisdiction of the concerned police station and shall report to the Officer-in-Charge of the concerned police station once in a fortnight until further orders. The 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.

In the event the petitioner fails to adhere to any of the conditions stipulated above without justifiable cause, the trial court shall be at liberty to cancel the petitioner's bail in accordance with law without further reference to this court.

The application for bail is, accordingly, allowed.

All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)