

12.09.2024
Sl. No.70
akd
[ALLOWED]

C. R. M. (NDPS) 1415 of 2024

In Re: An application for bail under Section 439 of the Code of Criminal Procedure corresponding to Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed on 03.09.2024 in connection with Jhargram Police Station Case No.330 of 2022 dated 03.11.2022 under Sections 21(c)/29 of the NDPS Act. (NDPS Case No.09 of 2022)

And

In Re: ***Mahadev Pal @ Pachhe & Anr.***

... .. Petitioners

Mr. Soumyajit Das Mahapatra
Ms. Madhurai Sinha

... .. for the petitioners

Mr. Saryati Datta
Ms. Puja Goswami

... .. for the State

1. It is submitted on behalf of the petitioners they are in custody for more than one year and seven months. It is further submitted there is inordinate delay in trial. Co-accused has been enlarged on bail. Accordingly, they pray for bail.
2. Learned Advocate for the State opposes the prayer for bail.
3. We have considered the materials on record. Petitioners are in custody for a protracted period of time. Only one out of twenty-one witnesses has been examined in part. There is little possibility of trial concluding in the near future. On the score of delay in trial, co-accused has been enlarged on bail. In view of the aforesaid fact and the period of detention suffered by the petitioners, we are of the opinion further detention of the petitioners is not necessary.
4. Therefore, the petitioners, namely ***(1) Mahadev Pal @ Pachhe & (2) Ashit Singh***, be released on bail upon furnishing bond of Rs.10,000/- (Rupees Ten thousand only) each, 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 Sessions Judge, 1st Court, Jhargram subject to condition that the said petitioners 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 they fail to appear before the trial court without any justifiable cause, the trial court shall be at liberty to cancel their bail automatically without reference to this court.
6. The application for bail, thus, stands allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)