

30.01.2024
Sl. No.55
akd
[ALLOWED]

**C. R. M. (NDPS) 1995 of 2023
(CRAN 1 of 2024)**

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 04.12.2023 in connection with Binpur Police Station Case No.52 of 2023 dated 17.09.2023 under Section 20(b)(ii)(B) of the NDPS Act. (NDPS Case No.08 of 2023)

And

In Re: **Manoj Mahata**

... .. Petitioner

Mr. Soumyajit Das Mahapatra
Ms. Madhurai Sinha

... .. for the petitioner

Mr. Shashanka Shekhar Saha

... .. for the State

In Re : C.R.A.N. 1 of 2024

1. We have considered the averments in the application seeking recalling of the order dated 19.12.2023. The application for bail was dismissed for default and not on merits.
2. Under such circumstances, we are inclined to recall the order dated 19.12.2023 and restore the application to its original file and number.
3. The application being CRAN 1 of 2024 is thus, allowed.

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4. It is submitted on behalf of the petitioner that he is in custody for about 135 days. Investigation is complete. Accordingly, he prays for bail.
5. Learned Advocate for the State opposes the prayer for bail.
6. We have considered the materials on record. Amount of narcotics i.e. 11.97 kgs. of *Ganja* recovered from the petitioner and co-accused is below commercial quantity. Investigation is complete. In view of the aforesaid fact and the period of detention suffered by the

petitioner, we are of the opinion further detention of the accused/petitioner is not necessary.

7. Therefore, the accused/petitioner, namely **Manoj Mahata**, 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, Jhargram 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.
8. 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.
9. The application for bail, thus, stands allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)