

13.05.2024

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Allowed

IN THE HIGH COURT AT CALCUTTA
Circuit Bench at Jalpaiguri

C.R.M. (NDPS) No. 108 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Mathabhanga Police Station Case No. 29 of 2018 dated 08.02.2018 under Section 20(b)(ii)(c) of the N.D.P.S. Act.

And

In Re : Rabiul Mia @ Rabiul Miya @ Bablu petitioner

Mr. Arjun Chowdhury

Ms. Pratusha Dutta Chowdhury

Ms. Riya Agarwal

.... for the petitioner

Mr. Aditi Shankar Chakraborty, learned APP

Mr. Aniruddha Biswas

.... for the State

1. Learned Counsel for the petitioner submits he was on bail earlier. Due to circumstances beyond control he was unable to appear before the trial court. Warrant was issued and he was arrested. He prays for bail.

2. Learned Counsel for the State submits petitioner jumped bail and was arrested in 2022.

3. We have considered the materials on record. Petitioner was on bail earlier. Due to circumstances beyond control he was unable to appear and warrant came to be issued. He was arrested. Thereafter he was in custody for more than two years. Recording of evidence has not commenced. Under

such circumstances, we are inclined to grant bail to the petitioner subject to conditions.

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 Judge, Special Court under NDPS Act-cum-learned Additional Sessions Judge, 1st court, Coochbehar, on further condition that petitioner shall meet the Investigating Officer, Mathabhanga Police Station once in a week until further orders. He 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.

5. In the event petitioner fails to appear before the trial court without any 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.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)