

C. Case No. 20 of 2016
CNR -WBBB01-000212-2016
JO-WB00702

Order no. & date
71/ 18.04.2023

This day is fixed for production of accused persons, namely, Sk. Salauddin @ Lambu, appearance for other four accused persons, namely, Sk Rajib, Nayan Das, Tajuddin Khan and Saheb Khan and awaiting death report of Sk Jasimuddin.

Accused person namely, Sk. Salauddin @ Lambu is produced before this Court from JC as ordered.

Out of remaining four accused persons, namely, Sk Rajib, Nayan Das, Tajuddin Khan and Saheb Khan, 3 accused persons are present by filing their respective haziras. One Saheb Khan is absent by filing a petition on the ground stated therein.

In view of the resolution taken by the Suri Bar Association, the instant petition is considered and allowed for the ends of justice.

One bail petition is filed by the Ld. Advocate for the accused Sk. Salauddin @ Lambu on the ground stated therein.

Heard both sides.

Perused the bail petition along with record.

Ld. Advocate for the accused submits before this Court that the accused is in custody since 02.03.2023 and since then, he has been in the custody. He further submits that due to the miscommunication as regards to the posting of diary the accused could not appear before this Court as he was not properly informed. He finally submits to release the accused on bail by imposing any condition upon him and if the bail petition will be allowed he will remain present on every successive dates.

Ld. P.P. in-charge raises formal objection against the instant bail petition and also submits that if the accused be released on bail on this day he should remain present positively on the next scheduled dates fixed by this Court and accordingly leaves the matter before this Court for passing necessary order.

Considering the rival submission of the Ld. Advocates of both sides and on perusal of the record, it reveals that the accused has been detained in the custody since 02.03.2023.

Keeping in mind the prolonged detention of the above named accused, I find no justification to detain the accused further behind the bar.

The bail petition is hereby allowed.

Accused person, namely, Sk. Salauddin @ Lambu may find bail of Rs. 6,000/- with two registered sureties of Rs. 3,000/- each other than previous one to the satisfaction of Ld. C.J.M., Suri, Birbhum i.d. to J.C.

If on bail to date i.e. 30.08.2023 for appearance and for passing further order.

So far as the death report as regards to the alleged death of Sk Jasimuddin is concerned no death report is received from O.C., Sadaipur PS. Be it mentioned here that the instant case cannot be proceeded only for non-submission of death report by the concerned OC and the other accused persons have been suffering since long.

In view of the above circumstance, OC , Sadaipur is directed to submit the death report of Sk Jasimuddin at an earliest and to file a compliance report positively by the date fixed i.d. necessary order will be passed.

To 30.08.2023 for appearance and awaiting death report of Sk Jasimuddin.

Let a copy of this order be sent to the Ld. C.J.M., Suri, Birbhum with a request to accept the bail bond if submits and after accepting the bail bond, issue release order and return the bail bond to this Court for keeping the same for future reference. Let another copy be sent to the OC., Sadaipur PS for his information and necessary action.

Dictated & Corrected.

Judge, Special Court,
under NDPS Act, 1st Court,
Suri, Birbhum.

Judge, Special Court,
under NDPS Act, 1st Court,
Suri, Birbhum.