

Order No. 15 dt. 11.9.23

Record is put up today on the basis of an allowed put up petition filed along with a bail petition and photocopy of certificate on behalf of accused persons namely Nikhil Sarkar and Ram Jiban Sarkar. After the record is put up, ld Advocate for the accused persons moved the bail petition and submitted that the father of the accused persons have expired on this day at around 1 pm and that the accused persons being the son of the deceased need to attend the funeral rites of their father. He prayed for grant of conditional bail to the accused persons for the said purpose after drawing the attention of this court to the filed photocopy of the certificate issued by the local Panchayat.

Ld Advocate for the State raised objection to the said prayer for bail.

Heard both the sides. Perused the photocopy of the certificate. Considered.

It appears from the photocopy of the certificate issued by the member of Petla Gram Panchayat that the father of the accused persons namely Jatindranath Sarkar has expired today. Such be the case, **this court is inclined to release the accused persons namely Nikhil Sarkar and Ram Jiban Sarkar from jail custody on police escort only for the specific purpose of attending the funeral rites of their father on this day after which they shall be lodged back on police escort in the Correctional Home by tommorrow 11 am.** The Superintendent of Cooch Behar Correctional Home is directed to immediately take necessary steps for release of the accused persons on escort and for bringing them back by tommorrow morning. The bail petition of the accused persons on the same ground is however dismissed and thus disposed of.

Let a copy of this order be sent to Superintendent of Cooch Behar Correctional Home for compliance.

To date (14.9.23) for production and I.O.'s report.

Dictated & Corrected by,

Sd/-

Addl. Sessions Judge, 1st Court,
Cooch Behar (NDPS).

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Cooch Behar (NDPS).