

04.08.2021

Court No.28
Item No.47
(ALLOWED)

Ab

CRM 3771 of 2021
(Via Video Conference)

In Re:- An application for bail under section 439 of the Code of Criminal Procedure filed on 24.05.2021 in connection with Kaliachak Police Station Case No. 869 of 2018 dated 02.12.2018 under Section 15(c) of the Narcotic Drugs and Psychotropic Substances Act;

And

In the matter of : **Md. Golam Kiberia.**

...Petitioner

Mr. Sandipan Ganguly,
Mr. Mrityunjoy Chatterjee.

...For the Petitioner

Mr. Swapan Banerjee,
Mr. Suman Dey.

... For the State

The Advocate-on-record of the petitioner undertakes to affirm and stamp the petition/application as per the Rules within four weeks from date. Subject to such undertaking, the application is taken up for hearing.

The petitioner has filed the instant application for bail under Section 439 of the Code of Criminal Procedure after being arrested in connection with Kaliachak Police Station Case No. 869 of 2018 under Section 15(c) of the Narcotic Drugs and Psychotropic Substances Act.

The petitioner is in custody for 2 years and 7½ months. It is submitted that the other co-accused who stand on the same footing had already been granted bail by this Court.

We have perused the charge-sheet submitted before the learned Special Court wherefrom it appears that the possession of the contraband was allegedly shown from all the co-accused. Since some of the co-accused had already been enlarged on bail, we do not

find any justification in rejecting the prayer of the petitioner on the ground of parity. Hence, the prayer for bail of the petitioner is allowed.

Accordingly, the petitioner shall be released on bail upon furnishing a bond of Rs.10,000 /- (Rupees Ten Thousand), 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, Malda, subject to the condition that the petitioner shall appear before the Trial Court on every date of hearing until further orders.

In the event the petitioner fails to do so without any justifiable cause, the Trial Court shall be at liberty to pass necessary order in accordance with law without any further reference to this Court.

The application for bail, being CRM 3771 of 2021, is thus **disposed of.**

(Harish Tandon, J)

(Bibek Chaudhuri, J.)