

12.08.2022
cm/ct 28
sl no. 5

C.R.M. (NDPS) No. 892 of 2022

In Re : An application for bail under section 439 of the Code of Criminal Procedure arising out of Deganga police Station Case No. 305 of 2020 dated 03.07.2020 in connection with **N-104 of 2020** under Sections **21 (c)/29** of the Narcotic Drugs and Psychotropic Substances Act.

And

Allowed

In Re : Md. Ekbal Molla & Ors.

..... petitioners

Mr. Ashok Kumar Chowdhury

..... for the petitioners

Mr. Ranadeb Sengupta

..... for the State

Petitioners pray for bail. They submit co-accused has been granted bail by the Apex Court in Special Leave to Appeal (Crl.) 4123 of 2022. They are in custody for over two years.

Learned lawyer for the State produces the case diary.

We have considered the materials on record. Petitioners stand on the same footing with co-accused Ahadulla Gazi who has been released on bail by the Apex Court. Hence, we are inclined to release the petitioners on bail on principal of parity.

Accordingly, the petitioners be released on bail upon furnishing a bond of Rs.10,000/- each 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, Barasat, North 24 Parganas on condition that the petitioners shall appear before the trial court on every date of hearing and shall not intimidate witnesses or tamper with evidence in any manner whatsoever and petitioners while on bail shall not leave the jurisdiction of the

Deganga police station except for the purpose of attending court proceedings and shall report to the Officer-in-Charge of the said police station once in a week until further orders.

In the event petitioners fail to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel their bail automatically without reference to this court.

The application being CRM(NDPS) No. 892 of 2022 is disposed of.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)