

22.11.2022
Sl. No.13
akd
[ALLOWED]

C. R. M. (NDPS) 1355 of 2022

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 14.11.2022 in connection with Uttarpara Police Station Case No. 635 of 2019 dated 14.12.2019 under Sections 21(c)/29 of the NDPS Act. (NDPS Case No.52 of 2019)

And

In Re: **Md. Anwar**

... .. Petitioner

Mr. Sudip Ghosh Chowdhury

... .. for the petitioner

Mr. Sanjay Bardhan

Ms. Debjani Dasgupta

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about two years and eleven months. It is further submitted co-accused viz. Bholanath Mehera has been enlarged on bail. Petitioner stands on the same footing with the said co-accused.

Learned advocate appearing for the State opposes the prayer for bail.

We have considered the materials on record. Co-accused viz. Bholanath Mehera was enlarged on bail in view of the protracted period of detention suffered by him. Petitioner has also suffered similar incarceration. There is very little progress in the trial. Infact, recording of prosecution evidence has not commenced as yet. Under such circumstances and in view of the period of detention suffered by the petitioner, we are of the opinion further detention of the accused/petitioner is not necessary.

Therefore, the accused/petitioner, namely **Md. Anwar**, be released on bail upon furnishing bond of Rs.10,000/- (Rupees Ten thousand only), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Judge, Special Court

under the NDPS Act-cum-Additional Sessions Judge, Hooghly subject to condition that the said petitioner 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 or commit similar offences in future.

In the event he fails to appear before the trial court without any justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this court.

The application for bail, thus, stands **allowed**.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)