

01.02.2023

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Allowed

C.R.M. (NDPS) No. 137 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Islampur Police Station Case No. 57 of 2019 dated 01.02.2019 under Sections 21(c)/29 of the N.D.P.S. Act.

And

In Re : Mirajul Sk. @ Mondal Mirajul petitioner

Mr. Jisan Iqubal Hossain
Ms. Chandrima Debnath
Mr. Karnel Mondal

.....for the petitioner

Ms. Faria Hossain
Mr. Anand Keshari

.....for the State

Learned Counsel for the petitioner submits petitioner is in custody for about four years. It is also submitted that there is inordinate delay in trial. Co-accused has been enlarged on bail. He prays for bail.

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

We have considered the materials on record. Co-accused was enlarged on bail on the ground of inordinate delay in trial. Petitioner is entitled to the same relief on principle of parity. Accordingly, we are inclined to grant bail to the petitioner.

Accordingly, we direct that the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- 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, Berhampore, Murshidabad, subject to conditions that he 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.

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 in accordance with law without further reference to this Court.

The application for bail is, accordingly, allowed.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)