

16.02.2023
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allowed

CRM (NDPS) No. 288 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Bhagwangala Police Station Case No. 47 of 2020 dated 25.01.2020 under Sections 21(c)/29 of the NDPS Act.

And

In Re : Golam Mojafar petitioner

Mr. Uday Sankar Chattopadhyay
Mr. Suman Sankar Chattopadhyay
Mr. Dibakar Sardar
Ms. Trisha Rakshit
Mr. Rajashree Tah

.....for the petitioner

Mr. Sanjoy Bardhan
Mr. Palash Chandra Majhi

..... for the State

Learned Counsel for the petitioner submits that he is in custody for three years and one month. There is inordinate delay in trial. Co-accused has been enlarged on bail by this Court. He prays for bail.

Learned Counsel for the State opposes the prayer for bail.

We have considered the materials on record. There is inordinate delay in trial. Co-accused has been enlarged on bail. Petitioner stands on the same footing with the co-accused. Under such circumstances, we are inclined to extend the same privilege 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, Murshidabad

at Berhampore, subject to the condition that the petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

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

The application for bail is, accordingly, allowed.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)