

20.03.2023
Sl. No.2
akd
[ALLOWED]

C. R. M. (NDPS) 296 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 13.02.2023 in connection with Kaliachak Police Station Case No.457 of 2022 dated 06.05.2022 under Sections 21(c)/29 of the NDPS Act and subsequently charge sheet submitted under Sections 22(c)/29/27A of the NDPS Act.

And

In Re: ***Firoj Sk. @ Firoj Sekh***

... .. Petitioner

Ms. Minoti Gomes

... .. for the petitioner

Mr. Madhusudan Sur .. Id. Addl. Public Prosecutor

Mr. Ashok Das

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about 62 days. Co-accuseds have been enlarged on bail.

Learned Additional Public Prosecutor opposes the prayer for bail.

We have considered the materials on record. Co-accuseds have been enlarged on bail. Petitioner stands on the same footing with co-accused viz. Rasel Sk. @ Rasel Sekh who was enlarged on bail in CRM (NDPS) 1338 of 2022. Keeping in mind the aforesaid fact including the extent of complicity of the petitioner in the alleged crime, we are of the opinion further detention of the accused/petitioner is not necessary.

Therefore, the accused/petitioner, namely ***Firoj Sk. @ Firoj Sekh***, 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, 3rd Court, Malda 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.)