

20.02.2023.
15.
Ct.No.28.
as
(Allowed)

C.R.M. (NDPS) 304 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with NDPS Case No.156 of 2019 arising out of NCB Crime No.15/NCB/KOL/2019 dated 22.08.2019 under Section 8(C) read with Sections 21(C) and 29 of the NDPS Act.

In the matter of : Lakhan Ghosh.

.... Petitioner.

Mr. Arnab Chatterjee,
Mr. Anisur Rahman.

...for the Petitioners.

Mr. Kallol Mondal,
Mr. Rajesh Kr. Shah.

...for the UOI.

Petitioner is in custody for more than three years. He submits there is inordinate delay in trial. Co-accuseds have been enlarged on bail. He prays for bail.

Learned Advocate for the Union of India opposes the prayer for bail. He submits report. The same be kept on record.

We have considered the materials on record. There is inordinate delay in trial. On such score, co-accuseds have been enlarged on bail. Petitioner stands on the same footing with the said co-accuseds. Hence, we are inclined to extend the same privilege to the petitioner also.

Accordingly, the petitioner viz., Lakhan Ghosh 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

the NDPS Act, Berhampore, Murshidabad subject to condition that the 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.

In the event the petitioner 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.

This application for bail is, thus, disposed of.

(Ajay Kumar Gupta,J.)

(Joymalya Bagchi, J.)