

17.03.2023
Sl. No.9
akd
[ALLOWED]

C. R. M. (NDPS) 402 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 13.03.2023 in connection with Special Task Force (STF) Police Station Case No. 08 of 2020 dated 11.02.2020 under Sections 22(c)/29 of the NDPS Act. (NDPS Case No.11 of 2020)

And

In Re: **Jagesar Mahato @ Arun Kumar**

... .. Petitioner

Ms. Minoti Gomes
Mr. Joy Chakraborty
Mr. Sandip Dinda

... .. for the petitioner

Mr. Ranabir Roy Chowdhury
Mr. Mainak Gupta

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for more than three years. Co-accuseds have been enlarged on bail. He prays for bail on parity.

Learned Advocate for the State opposes the prayer for bail.

We have considered the materials on record. Petitioner is in custody for more than three years. On the ground of delay, co-accused viz. Md. Amir Khan was released on bail. Petitioner stands on the same footing with the said co-accused. 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 **Jagesar Mahato @ Arun Kumar**, 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, Bench-I, City Sessions Court, Calcutta 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.)